876.

SUPREME COURT OF THE UNITED STATES,

No. 124.

JEAN LOUIS PREVOST,

vs.

CHARLES E. GRENEAUX,

TREASURER OF THE STATE OF LOUISIANA.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

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SUCCESSION OF F. M. PREVOST,

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STATE OF LOUISIANA,

Fourth Judicial District Court, Parish of Ascension.

SUCCESSION OF F. M. PREVOST.

1o. *Opposition of Louis Prevost to State Tax.*

STATE, Appellant. LOUIS PREVOST, Appellee.

2o. *Opposition of Louis Prevost to Other Items.*

LOUIS PREVOST, Appellant. GAUDET CURATOR, Appellee.

(No. 3870.)

Account.

Filed 14th June, 1854.]
(Signed) L. D. NICHOLLS,
Clerk.

FOURTH JUDICIAL DISTRICT COURT,
Parish of Ascension.

Vacant succession of Mistress Victoire Castelain, widow François Marie Provost.

Account of Michel D. Gaudit Curator. Preliminary observations.

Victoire Castelain, widow François Marie Prevost, died in New Orleans on the 3rd March, 1853, intestate and without heirs of her body, or any known heirs present or absent. On the 7th of the same month, her succession was opened as a vacant succession in the Parish of Ascension, Parish of her domicil. On the 18th of March, 1853, an Inventory of the property and effects comprising it was made under authority of the Court, in the presence of the Attorney of absent heirs. On the 19th, the undersigned was appointed and qualified as Curator, and as such took into his possession and administration, all the property and effects comprised in the Inventory aforesaid. Of these property and effects, the greater part, both of land and slaves, had been the separate property of the late F. M. Prevost. He died before his wife, to wit: on the 18th May, 1848, in the Parish of Ascension, where his succession was opened. The remainder of the land and slaves belonged to the Community of acquests and gains that subsisted between the spouses. The whole had been administered as one plantation during the community and after the death of the husband.

Under an order of this Court, bearing date the 31st December, 1851, the widow was sent into possession of the succession of her husband as his heir by irregular succession, and during that possession in virtue of the law she appropriated and made her own the revenues

of the entire property. A portion of them existed at the time of her death, and came into the possession of the undersigned as did also certain moveable property acquired by her since the death of her husband. The revenues of the same property made during the administration of the undersigned are also hereinafter treated as acquired to her succession.

No heirs of the widow Prevost have as yet appeared or are known to exist. But during the administration of the undersigned, and on or about the of January, 1854, one Jean Louis Prevost of Kneareton, Commune de Kneval, Canton de Beaumalo, Arrondissiment de Kimporle, Department de Finistire in France, brought suit in the U. S. Circuit Court, at New Orleans, claiming to be the brother and sole heir at law of the said François Marie Prevost, and asking to be put in possession of his succession. This suit in which the undersigned was defendant, resulted in a final Judgment recognizing the pretensions of the Plaintiff. Pursuant to said Judgment delivery has been made by the undersigned to the said Jean Prevost, by act of the 18th April, 1854, passed before John F. Ayraud, Recorder, copy of which is herewith filed of all the property in kind, composing the separate estate of the said Prevost, as detailed in the Inventory thereof made on the 24th March, 1851, on file herein. The undersigned was also by said Judgment ordered to account to the said Jean Louis Prevost, for his interest in the community aforesaid. And to effect a liquidation thereof, and of the succession of the widow F. M. Prevost, a sale was had under the authority of the Court, on the 27th day of May, 1854, of the property depending on the community, as well as of that belonging to the succession of the said widow.

On the 25th July, 1853, a provisional account and list of Recognized Claims was filed herein by the undersigned accompanied by a prayer for the sale of enough of the property to pay the debts. But no final action was ever taken upon it, and it has therefore been incorporated in the following account.

CHAPTER I

ASSETS OF THE COMMUNITY.

Price of adjudication of arpent of lands to N. Brand, say					$4,000 00
Price of adjudication of slave Barren to Bringier,					1,515 00
"	"	"	Ciuron	" Wm. Colombs,	1,435 00
"	"	"	Henry	" H. B. Trust,	1,425 00
"	"	"	Harison	" E. Gaudin,	1,200 00
"	"	"	Frank	" G. Lauve,	1,020 00
This amount being the amount of a debt of F. M. Prevost before his marriage with his last wife Victorie Castelain but discharged by the Community,					4,431 50
This amount due as Compensation to the Community for the following improvements placed by it on the private property of the husband, F. M. Provost, viz:					

For the Sugar house and its dependencies,	2,800 00
For the Steam engine, Sugar & corn mills,	3,645 00
Total,	$21,471 50

CHAPTER II.

ASSETS OF THE SUCCESSION OF WIDOW PREVOST.

One half of the assets of the community as established in Chapter I,	$10,735 75
Proceeds of 14 mules to her belonging, sold at the Succession sale of 27th May, 1854,	2,225 00
Proceeds of two pairs of oxen to her belonging sold at same sale,	110 00
Proceeds of Timber wheel same sale,	140 00
This amount being gross proceeds of Crop of 1853,	6,593 60
This amount being gross proceeds of the Crop of 1852, as per the account of 25 July, 1853, herein,	6,704 84
This amount Claimed as compensation due by the Succession of F. M. Prevost for overseer's house and negro Cabins placed on separate property of F. M. Prevost,	700 00
	$27,209 19

CHAPTER III.

ACCOUNT OF THE HEIR OF F. M. PREVOST WITH THE SUCCESSION OF THE WIDOW F. M. PREVOST.

To his Debit, the following amounts Due Cash, viz:

One half of the Balloe debt ment'd in Chapter I,	$2,215 75
Half value of the Engine house, &c. &c. as per the statement in Chapter I,	1,400 00
Half the value of Engine, &c., Chap. I,	1,822 50
Value of the overseer's house, Cabins, &c., Chap. II,	700 00
This amount being the amount of the tax of ten per cent. levied by the State on the Successions in this State falling to foreigners Calculated on the estimation in the Inventory of the property and effects inherited by Jean Louis Prevost,	3,192 80
Cash debt of the heir to estate Widow Prevost,	$9,331 05

This debt is offset by the Share to which the Succession of F. M. Prevost is entitled in the proceeds of the sale of the land and slaves belonging to the Community, as stated in Chapter I, amounting the said half to $5,297 50, Cash and Credit according to the terms of Sale—the Credit portion of which must be reduced to Cash to ascertain the balance that the heir would owe.

Compensation is also due by the said Jean Louis Prevost for provisions furnished by Augustin and Thibaut, also insurance effected by them which enured to the benefit of the said heir but were by Augustin and Thibaud charged to this accountant; the exact amount of this compensation to be established hereafter.

CHAPTER IV.

LIQUIDATION OF THE SUCCESSION OF MRS. PREVOST.

Assets of the Succession, gross,		$27,209 19
Cash received from crop of 1852,		$6,704 84
" " " " 1853,		6,593 60
Proceeds of mules,		2,225 00
" " oxen,		110 00
" " timber wheel,		140 00
One fifth of price of land ½,		400 00
" " " slaves ½,		659 50
Credits proceeds due by the heir per ch. 3,		6,138 25
		$27,209 19

(*Disbursements.*)

Judicial Charges, funeral charges and costs of administration. This amount as per account filed of the 25th July, 1853, and now made a part of this account,	$6,412 25.		
32 L. D. Nichols Clerk's costs,	60 00		
33 J. L. Comstock Sheriff's costs,	80 85		
34 Taxes for 1852,	91 39		
35 " " 1853,	109 39		
36 P. Purriez Judicial advertisements,	54 05		
37 J. F. Aynaud to G. Lauve ass.,	3 50		
38 Recording sale,	3 00		
39 Steamer, music, freights, &c.,	40 50		
40 Church acc. burial slave Bernard,	5 00		
41 M'me Albert Daanoix saye femme,	5 00		
42 Monsabert, Druggist,	37 70		
43 M'me J. Roberson negro hire,	182 40		
44 J. B. Rodriguez shingles,	25 00		
45 Bourgeois hire of boat	6 50		
46 L. Brussit barrel of beans	5 00		
47 J. M. Brooks' wheel-barrows,	8 00		
48 Simon Brand lumber,	62 50		
		$7,192 03	$27,209 19

	Amount brought forward,		$7,192 03	$27,209 19
49	Boze carpenter and sugar maker,		43 97	
50	M. Fleming, barrels,		28 00	
51	J. Leman, balance acc.,		134 59	
52	A. M. Templet supplies,		123 87	
53	Alcide Landry,		77 00	
54	Ursin Babin, overseer,		194 00	
55	Dr. Cottman's bill,		250 00	
56	Dr. Batland's "		50 00	
57	Different items of expense detailed in the account current of Augustin and Thibault, No. 1, being for expenses of administration including also acc. Dr. Rivet for last illness,		3236 17	
	Do. do. acc. current, No. 2,		185 00	
	Do. do. No. 3,		195 33	
58	O. Terriol, swearing exports,		50	
59	M. D., Gawlet, overseer,		958 33	
	" boarding workmen,		45 00	
	" furnishing 36 bls. ament,		15 00	
	" postage on letters,		35	12,729 14
				$14,480 05
	Costs of administration, unpaid commissions of the Curator on the amount of the inventory and on $4,654 70, balance of 1st crop received by him, and on $6,593, amount of last Crop,	$1,315 18		
	Fees due to C. Johnson, counsel of the succession	1,000 00		
	Costs of homologating acc.,	150 00		2,465 18
	Balance,			$12,014 87

CHAPTER V.

RECOGNIZED DEBTS OF THE SUCCESSION.

1.	Obligation of the deceased in favor of John Robason deceased, represented by his widow in her own right and as Tutrix of her minor children in Capital, Interest at 5 per cent. till paid.	$10,000 00
2.	Act. of Suc'on of widow Boze,	1,562 00
3.	Accounts Dr. Thos. Cottman for 1850, '51 & '52,	650 00
4.	Judg't favour Dr. Boutittur, Legal interest from 1 Nov. 1852.	113 00
5.	Judgment favor of Vivey Legal interest from 17th April, 1852.	285 00

6. Zoraide Levesgues account for board of Miss Ursula Bou - geois, $96 00

Nota.—All the foregoing accounts are ordinary claims and will be paid pro rata out of the balance of the funds on hand. Errors and omissions excepted.

For the curator, M. D. Gaudet.

June 12th, 1854.

(Signed) CHARLES ANDREW JOHNSON,
Attorney.

(*Petition.*)

Filed 14th June, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

Fourth Judicial District Court in and for the Parish of Ascension. In the matter of the vacant Succession of Mistress widow Francois Marie Prevost.

The petition of Michel D. Gaudet, Curator of the aforesaid Succession, residing in the Parish of St. James, respectfully shows:

That he files herewith his account of administration in his said capacity, showing the amounts disbursed and expended, the funds on hand, the costs yet unpaid, and the recognized debts with the means applicable to that payment, also the state of accounts between this Succession and that of the late F. M. Prevost, husband of the aforesaid Mistress Prevost, which has devolved upon Jean Louis Prevost, as sole heir.

Your petitioner prays that due and legal notice of the filing of this account be made. That the Attorney of absent heirs as also Mr. Ernest Prevost, special agent and Attorney of said Jean Louis Prevost in the premises, both residing in the Parish of Ascension, be cited that after due proceedings said account be homologated and approved, that the disbursements made be sanctioned, and that your accountant be authorized to pay the unpaid costs of administration as therein proposed—and thereafter to make application of the funds remaining to the payment of the claims recognized and classed in chapter 5 as ordinary claims, and that the said Jean Louis Prevost be declared indebted to the succession in the manner set forth in the chapter 3, and condemned to pay the same, and for all and general relief.

(Signed) CHARLES ANDREW JOHNSON,
Att'y of P'r.

(*Order of Public Notices.*)

Let public notice be given during thirty day according to law call-

ing upon all persons to show cause within the legal delay why the account within referred to should not be approved and homologated

Ascension, 14th June, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

(*Opposition of J. L. Prevost.*)

Filed 7th July, 1854.

(Signed) L. D. NICHOLAS,
Clerk.

STATE OF LOUISIANA,
Fourth District Court, Parish of Ascension.

In the matter of the succession of Victoriné Castitaine, widow F. M. Prevost.

Opposition of Jean Louis Prevost to the account of Michel D. Gaudet, Cvrator of the vacant succession of Victoiré Casitain, widow of François Marie Prevost, filed in said Court on the ——— day of June, 1854.

Into this honorable Court by the undersigned his Counsel, comes Jean Louis Prevost, residing in France at Kermaritone Commune de Kerneval arrondissiment de aprinperle, Departement de Fimistirè recognized as the sole legal heir of the late Dr. F. M. Prevost and now, presents to be filed his opposition to said account.

Ballock's debt of $4431 50

This opponent makes the following special opposition to chapter 1st of said account. He denies the item of four thousand four hundred and thirty-one dollars $\frac{50}{100}$ charged in said chapter as a debt of F. M. Prevost, contracted before his marriage and paid as alleged by the accountant by the community. The opponent requires that proofs of the said item and he opposes the same as a debt due by the Estate F. M. Prevost or by this opponent.

Sugar House, Steam engine, Mill.

This opponent avers that all the objects detailed in this Chapter such as the engine house and its dependencies, the sugar mill, engine, corn mill, &c., were and the proceeds of the sale thereof are not the property of the community nor of the Estate of the widow F. M. Prevost, but belonged and belong solely and exclusively to this opponent. He avers that if any acknowledgment to the contrary by him at any time or in any manner was ever made, whether by notarial act or otherwise, it was made without consideration and in error of law and of fact; and is therefore null and void and can produce no legal

effect whatever. And this opponent denies the correctness of the valuation assured in this chapter for the objects therein before recited. That if should be decided that the said objects were community or common property then leaves that the estimative value of the said objects cannot exceed in the aggregate four thousand dollars, that being the full amount at which in the estimate and appraisement of March 24th, 1851, provoked specially by and for the sole use and benefit of and signed and appraised by the widow F. M. Prevost—the whole of said objects were collectively appraised.

That the said appraisement of the 24th March, 1851, represents the true and real value of the said objects and in any contingency Mrs. Prevost was and her succession is legally bound thereby.

The opponent makes the following special oppositions to Chapter 2 of said account.

For the reasons stated in his opposition to the Chapter 1st, this opponent contests and hereby opposes the balance of ten thousand seven hundred and thirty-five 75–100 dollars assumed by the accountant as representating the half of the community assets.

He denies that the following objects or any of them (or the proceeds thereof), to wit:

1o. Fourteen mules, or their proceeds,	$2,225 00
2o. Two pair of oxen, or their proceeds,	100 00
3o. One pair of timber wheels,	140 00
4o. Negro cabins and overseer's house,	700 00

ever belonged to widow F. M. Prevost, or to her succession.

That this opponent was and is the sole and exclusive owner of the said objects mentioned in the opposition to Chapter 1 as all and singular said objects were at the time of the delivery to him by the Curator of the succession of widow F. M. Prevost, upon, attached to, and part of the plantation so delivered to him.

That if any of said objects were attached to the said plantation, or placed thereon by the said widow it was while she was in possession of said property as the irregular heir of F. M. Prevost and they were so put and placed to replace others of the same or of a similar kind worn out by use or for the improvement and service and increase of the revenues of the said plantation and the said widow or succession cannot legally claim any indemnity therefor having profited by said increase of revenues.

That this opponent was entitled to recover and did recover the whole property in the state (whatever it might happen to be) in which it was at the time of the delivery and was no indemnity whatever.

This opponent now makes the following opposition to Chapter 3 of said account.

He denies and opposes all and singular the clauses, items and particulars contained in this Chapter as far as they conflict with, or in any manner affect the claims or rights of this opponent on the objec-

tions by him the said opponent on this opposition urged either specifically or otherwise.

State Tax $3,192 80.

He also specially denies any liability to the State for the tax charged in said Chapter and amounting to $3,192 80-100, three thousand one hundred and ninety-two dollars 80–100 for any amount whatever, and says that by a treaty passed between the United States and France in the year 1853 before this opponent appeared and demanded the succession of the late F. M. Prevost as his heir at law—Citizens of France were exempted from any other tax or deduction than such as the citizens of Louisiana are subject to, that the said treaty is the supreme law of the land and overrules and repeals any law of the State of Louisiana imposing any tax on this opponent who is a citizen of France which would not equally be imposed on him if he were a citizen and resident of Louisiana. Wherefore he opposes as aforesaid any claim in behalf of the State of Louisiana for any amount whatever.

This opponent makes the following opposition to Chapter 4, of the Curator's account:

He specially denies and opposes all and singular the items, clauses and particulars contained in this Chapter. So far as they conflict with the objections, rights and claims heretofore in this opposition made and advanced by him.

By not opposing the item of $182 40 allowed in this Chapter to Mrs. widow John Roberson, for hire of the slave Marcetin, he waives no right or claim to the said slave which he avers to be, and who is his sole and exclusive property.

And this opponent, in addition to the claims and demands by him hereinbefore made and advanced, now says that the succession of Mrs. widow F. M. Prevost owes him a balance of seventy-six dollars, as appears by the account hereunto annexed as a part of this opposition.

Wherefore this opponent respectfully prays that the said account may be rejected, or so amended as to sustain all and singular the claims, demands, allegations and averments by this opponent in this opposition, in the manner hereinbefore recited and set forth, and to release and discharge this opponent from all the claims, demands and charges with which the Curator seeks in said account to charge him, and hereby opposing the said account in all its parts which conflict with the said rights of the said opponent, he prays that this opposition may be fully sustained, and for all other and general relief.

(Signed) JOHN H. ILSLEY,
Of Counsel for Opponent.

Accounts Annexed to Opposition.

Filed 7th July, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

The succession of widow F. M. Provost,
To Jean Louis Prevost.

For hire of slave Minon to M'me Prados, 4 mo's from Jan'y to April 31st, at $4,	$16 00
Passage from New Orleans,	1 50
Acc't of Steamer Emperor annexed,	5 00
Hire of slave Benton, 2 mo's, 1 week, at $10 per month,	22 50
Hire of slave Juliette, 2 mo's at $10,	20 00
	$65 00
One-half of $23 87,	11 94
	76 94

The Community or Common Property,
To Jean Louis Prevost,

5 pair of shoes furnished by J. L. P., at 95,	$4 50
5 shirts, all for the slaves of community, at 45,	2 25
	$7 00
⅓ part of the Overseer's wages, say $90 per month, $135, $16 87, the community owes,	16 87
	$23 87

Mrs. F. M. Prevost,
To Steamer Emperor.

1853, Nov. 13, F't on one Cane cask,	$5 00

The above bill is correct.
(Signed) MICHEL D. GAUDET.
Received payment,
(Signed) LOUIS BIRCHIREAU.

Donaldsville, 29th April, 1854.

Due Mr. E. Prevost for the negroes of the Community,
To Nathan Blum.

1854, April 29, 5 pr of shoes at 91,	$5 63
5 shirts at 45,	2 05
	$7 68

Received payment,
(Signed) N. BLUM.

Answer of State Treasurer to Opposition.

Filed October 26th, 1854.
Signed) L. D. NICHOLLS,
Clerk.

Succession of Victoire Castelain, Widow F. M. Prevost.

4TH JUDICIAL DISTRICT COURT, Parish of Ascension.

And now comes Charles E. Greneaux, Treasurer of the State of Louisiana, acting for and behalf of said State. The State of Louisiana being also herein represented by the District Attorney of said State for the aforesaid 4th Judicial District, and for answer to the opposition herein filed by Jean Louis Prevost, to the allowance of 10 00 on the property falling to said Prevost, planed on the tableau filed in said succession by the Curator thereof, he denies all and singular the allegations in said opposition, avers that the aforesaid State of Louisiana is legally entitled to the amount fer which it is planed in said tableau, and respondent prays that said allowance may be maintained, and that the aforesaid opposition be dismissed at opponent's costs.

(Signed) HENRY C. MILLER,
Att'y for State Treasurer.
E. LEGENDRE,
District Attorney.

Note of Evidence.

Fourth Judicial District of the State of Louisiana, in and for the Parish of Ascension. Succession of Mrs. Victoire Castelain, widow F. M. Prevost.

L. D. Nicholls, being first duly sworn, declares, that as Clerk of this Court, he posted up notices in the French and English languages, of the account of said succession herein filed on the 14th June, 1854, said notices were posted up during more than thirty days at the Court House door of the parish, and in the Vigilant, a newspaper published in this Parish. That no opposition has been filed to said account, save that of Jean Louis Prevost.

Documentary Evidence.—Vouchers from No. 1 to No. 63, both inclusive.

Thus taken, closed and filed in open Court. Ascension, this 17th July, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

Public Notices taken from the Vigilant.

Filed 17th July, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

STATE OF LOUISIANA,
4th Judicial District Court, Parish of Ascension.

Vacant Estate of the late Mrs. Anne Victoire Castelain, W'w Francois Marie Prevost.

Whereas, Michel D. Gaudet of the Parish of St. Jame , Curator of the estate above mentioned, has filed in this Court his final account of said estate, praying for the homologation of the same. Public notice is hereby given to all persons concerned to file in writing thirty days from date hereof, at the office of the Clerk of said Court; the reason why the prayer of said petitioner should not be granted.

By order of said Court.

[L. S.] (Signed) L. D. NICHOLLS,
Clerk.

Parish of Ascension, 14th June, 1854.

ETAT DE LA LOUISIANE,
Cour du quatrime District Judiciaire, Paroisse Ascension.

Succession vacante de feae M'me Victoire Castelain Vauve François Marie Prevost.

Attendue que Michel D. Gaudet de la paroisse St. Jaques a enliassé en atte Cour Son compte final de la dete succession demandant l'humologaton di, celui. Avis public est par le present donné a tous ceux y interessés d'avoir a diduire par úrit au bureau du greffier de cette Cour les raisons pour lesquelles il ne Serait pas fait droit à la dimande du dit pétitionnaire.

Par Ordre de la dite Cour,

[L. S.] (Signed) L. D. NICHOLLS,
Groffier.

Paroisse Ascension, 14 Juin, 1854.

Judgment of Homologation so far as not Opposed.

4th Judicial District Court, Parish of Ascension.

It appearing to the Court that due and legal notice has been given of the for going account, and that there is no opposition except that of Jean Louis Prevost on file; after an examination of the Vouchers on file; the law and evidence being in favor of the prayer of the Curator accompanying said account. It is hereby ordered, adjudged and decreed that the foregoing account be, and it is hereby homologated and approved so far as not opposed. That the disbursement made as therein represented be approved, and that the expenses of administration unpaid be paid according to the said account.

(Signed) ALBERT DUFFEL,
Judge 4th Jud. Dist.

Parish of Ascension, 17th July, 1854.

(*Judgment. Tax Question.*)

In the matter of the opposition of Jean Louis Prevost to the homologation of the account of the succession of Victoire Castelain, widow Francois Marie Prevost.

Fourth Judicial District Court of the State of Louisiana, in and for the Parish of Ascension.

The object of this opposition is to order the Curator of the Estate of widow Francois Marie Prevost, to pay over to the opponent three thousand one hundred and ninety-two $\frac{80}{100}$ dollars, (3192 80,) reserved in the Curator's account for the State of Louisiana, and being the tax of ten per cent. imposed on property inherited in this State by aliens, by the 4th Section of the Act of the Legislature, approved 26th March, 1842, and entitled "An Act to increase the revenues of the State of Louisiana."

It is admitted that Marie Francois Prevost died in this Parish in the year 1848, and it appears that the opponent was recognized as her heir on the ——— day of ———, 1854, and it is on the property thus inherited that the above tax is sought to be levied. It is also admitted that the opponent is and has always been a French citizen.

Under the repeated decisions of our Supreme Court, the above tax is perfectly legal, and the amount must be paid into the State Treasury unless the above act of the 26th March, 1842 had been repealed before the death of F. M. Prevost, or has since for just cause become inoperative. Fiscal laws are not of necessity assimilated to penal laws. Such, and such only as have the latter character, cannot be enforced after their repeal. Property was acquired under the Romans by the Fiscus in various ways enumerated in the Digest 42, Cit. 14, S. 1, many of which may be arranged under the head of penalties and forfeitures. But the act of 1842 was passed purely to afford a Revenue to the State and not as a penalty against foreigners. Had such been the intent the property itself would have been confiscated. Arnaud's heirs vs. his Executors, 3, L. B. P. 336.

The 7th article of the consular Convention between the United States of America and his Majesty the Emperor of the French, exchanged on the 11th August, 1853, (day on which it became the law of the land according to its own terms) is opposed to the claim of the State as a perpetual bar. This article is imperative on all the States who permit aliens to own property within their limits and that is such aliens shall as regards property be placed on a footing of equality with our own citizens. It is therefore clear in the language of the organ of the Supreme Court of the State in the case of the succession of Mager 12, R. R. 588, that the tax in question interferes with or is contrary to the law of Congress regulating commerce between Frence and the United States, stipulating that no such tax shall be laid, upon the faith of this treaty the opponent, a French citizen, claims the succession of F. M. Prevost, free from the tax created under the 4th

section of the article of 1842, and which does not bear on our citizens. It is perfectly immaterial when the succession was opened and when by a fiction of law the opponent became seized of the succession as heir. The rests his claim under the sanction of a treaty, the supreme law of the land and of the State has been injured thereby, the remedy lies in Congress and not in the Louisiana Courts. (Art. 5 of the Constitution of the United States.)

It is therefore already adjudged and decreed by reason of the law and evidence bearing on the case that the opposition of Jean Louis Prevost be and the same is hereby sustained, and that the claim of the State be rejected, the costs to be paid by the succession.

Parish of Ascension, 28th October, 1854.

(Signed) ALBERT DUFFEL,
Judge 4th Jud'l Dist.

Note of Evidence.

In the matter of the succession of Wm. F. M. Prevost—Opposition of J. L. Prevost to Curator's account.

Evidence in behalf of J. L. Prevost.

1o. The record of the succession of Wm. F. M. Prevost. It is understood between the parties that either party may make use of any document found therein.

2o. Copy of the Convention between the United States and France marked A.

It is admitted that Jean Louis Prevost is a Frenchman and a citizen of France and has always been so, and has always resided in and been domiciliated in France.

(*Opponent's Testimony Clausd.*)

It is admitted that F. M. Prevost died in 1848, and Mrs. F. M. Prevost in February, 1853.

Thus taken, closed and filed in open Court.

Ascension, 26 October, 1854.

(Signed) L. D. NICHOLLS,
Cl'k.

Consular Convention, marked A.

Filed 26th October, 1854.

(Signed) L. D. NICHOLLS,
Cl'k.

UNITED STATES OF AMERICA, Department of State.

To all to whom these presents shall come, greeting.

I certify that the paper hereunto annexed is a true copy of the

Consular Convention between the United States and France on the 23d day of February, 1853, now on file in this department.

In testimony whereof I W. L. Marcy, Secretary of State of the United States have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this 26th day of July, A. D. 1854 and of the Independence of the United States of America the seventy-ninth. [L. S.]

Consular Convention between the United States of America and his Majesty the Emperor of the French—Concluded 23d February, 1853—Ratified by the U. S. 1st April, 1853—Exchanged 11th August, 1853, and Proclaimed by the U. S. 12th August, 1853.

By the President of the United States of America.

A Proclamation.

Whereas a Consular Convention between the United States of America and his Majesty the Emperor of the French was conducted and signed in this city by their respective plenipotentiaries, on the twenty-third day of February last, which Convention as amended by the Senate of the United States, and being in the French and English languages, is, word for word, as follows:

Consular Convention between the United States of America and his Majesty the Emperor of the French.

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special Convention which shall determine, in a precise and reciprocal manner the rights, privileges, and duties of the Consuls of the two countries.

Accordingly they have named the President of the United States, the Hon. Edward Everett, Secretary of State of the United States, his Majesty the Emperor of the French, the Count de Sartiges, Commander of the Imperial Order of the Legion of Honour, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington; who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The Consuls General, Consuls, and Vice Consuls, or Consular agents of the United States and France, shall be reciprocally received and recognized on the presentations of their Commissions, in the form established in their respective Countries. The necessary exequatur for the exercise of their functions, shall be furnished to them without

charge, and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, Judicial or Executive, of the ports, cities, and plans of their residence and district, to the enjoyment of the prorogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

ARTICLE II.

The Consuls General, Consuls, Vice Consuls, or Consular agents of the United States and France, shall enjoy in the two Countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billitings from service in the militia or national guards, and other duties of the same nature; and from all direct and personal taxation, whatever, federal state or municipal. If, however, the said Consuls General, Consuls, Vice Consuls, or Consular agents, are citizens of the Country in which they reside; if they are, or become owners of property there, or engage in commerce, they shall be subject to the same taxes and imports, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction as other citizens of the Country who are owners of property, or merchants.

They may place on the outer door of their offices, or of their dwelling houses, the arms of their nation, with an inscription in these words, "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their Country thereon.

They shall never be compelled to appear as witnesses before the Courts. When any declaration of Judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in Court, and if unable to do so, their testimony shall be requested in writing, or to be taken orally at their dwellings.

Consular Pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice Consuls, or Consular Agents.

In case of death, indisposition or absence of the latter, the Chancellors, Secretaries and Consular Pupils attached to their offices, shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy whilst thus acting, the prerogatives granted to the incumbents.

ARTICLE III.

The Consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

ARTICLE IV.

The Consuls General, Consuls, Vice Consuls, or Consular Agents, of both Countries, shall have the right to complain to the authorities of the Respective Governments, whether federal or local, judicial or executive, throughout the extent of their Consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protesting informally the rights and interests of their Countrymen, especially in cases of absence. Should there be no diplomatic agents of their nation they shall be authorized, in case of need, to have recourse to the general or federal government of the Country in which they exercise their functions.

ARTICLE V.

The respective Consuls General, and Consuls, shall be free to establish in such parts of their districts, as they may see fit, Vice Consuls, or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen or citizens of other Countries. These agents, whose nomination it is understood, shall be submitted to the approval of the respective governments, shall be provided with a Certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

ARTICLE VI.

The Consuls General, Consuls, Vice Consuls, or Consular agents, shall have the right of taking at their offices or bureaux, at the domicil of the parties concerned, or on board Ship, the declarations of captains, crews, passengers, merchants, or citizens of their country, and of executing there, all requisite papers.

The Respective Consuls General, Consuls, Vice Consuls, or Consular agents, shall have the right also to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between citizens of their own country and the citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the Consuls General, Consuls, Vice Consuls, or Consular agents, and sealed with the official seal of their Consulate, or Consular agency, shall be admitted in Courts of Justice throughout the United States and France, in like manner as the originals.

ARTICLE VII.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as said laws shall remain in force, French-

men shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitiously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

ARTICLE VIII.

The Respective Consuls General, Consuls, Vice Consuls, or Consular agents, shall have exclusive charge of the internal order—of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, in any pretext, interfere in these differences, but shall lend forcible aid to the Consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be paid by the Consuls.

ARTICLE IX.

The respective Consuls General, Consuls, Vice Consuls, or Consular agents, may arrest the officers, sailors and all other persons making part of the crews or ships of war or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826, that is to say indiscriminately to any of the federal States, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a

request in writing for the deserters, supporting it by an exhibition of the Registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claimed belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expenses of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE X.

The respective Consuls General, Consuls, Vice Consuls or Consular agents, shall receive the declarations, protests and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XI.

All proceedings relative to the salvage of American vesssels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls and Vice Consuls of France in the United States and until their arrival by the respective consular agents wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvers, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandize saved.

It is understood that such merchandize shall not be subjected to any custom house duty if it is to be re-exported, and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

ARTICLE XII.

The respective Consuls General, Consuls, Vice Consuls or Consular agents, as well as their Consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other principles, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favoured nation.

ARTICLE XIII.

The present Convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner if possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day in which one of the parties shall give notice.

In testimony whereof, the respective plenipotentiaries have signed this Convention, and hereunto affixed their respective seals.

Done at the city of Washington the twenty-third day of February, Anno Domini one thousand eight hundred and forty-three.

(Signed) EDWARD EVERETT, [L. S.]
SARTIGES, [L. S.]

Convention Consulaire entre La Mejesté l'Empereur des François et les Etats Unis d'Amerique.

La Majesté l'Empereur des Francais et le President des Etats Unis d'Amerique, également desiraux de resserrer les liens d'amitié entre les deux nations et d'assurer aux relations de ammerio établées entre elles un nouveau et plus ample developpement, ont Jugé a propos peur attiendre ci but, de umlure une Convention speciale qui determinât d'une manière précise et réciproque les droits privilèges et devoirs des consuls des deux pays;

A cet effet ils ont nommé;

La Majesté l'Empereur des Français; Mr. le Count de Sartiges, Commandeur de l'ordre Imperial de la Legion d'honneur, &c., &c. Son Envoye extraordinaire et ministre Plenipotentiaire à Wasnington.

Le Presiden des Etats Unis.

L'honorable M. Edouard Everett, Secretaire d'Etat des Etat Unis.

Les quels apris S'ître communiqués leurs pleino pouvoirs trouvées en boune et due forme Sont convenus des articles Suivants:

ARTICLE I.

Les Consuls generaux, Consuls vice Consuls, ou agents consulaires nommés par le France et et les Etats Unis Seront réciproquement

admis et reunnus, en présentant leurs prcvisions sons la forme établie dans les pays resputifs. On leur délivoira, Sans aucun frais, l'exéquatur nécessaire à l'exercice de leurs functions, et Sur l'exhibition de cet exequatur, les autorités territoriales, fédérals, ou d'Etat, judiceaires ou administratives des ports, villes et lieux de leur residence et arrendissement consulaire les y feront Jouir aussitot et sans difficulté des prérogatives acurdées réciproquement. Le Gouvernement, qui accordo l'exéquatur, aura la faculté de la retirer en indiquant les motifs, peur lesquels il Juge convenable de la faire.

ARTICLE II.

Les Consuls generaux, Consuls, vice Consuls, ou agents Consulaires Français et des Etats Unis, jouiront, dans les deux pays, des privilèges généralement attribues à leurs fonetions, tels que l'immunité personelle, hormis le cas de crime, l'esumption des logements militaires, du service de la milice ou de la garde nationale et autres charges de la mémè nature, et ulle de teutes les contributions directes et purs onnelles, fédéals d'Etat, ou municipales. Si toute fois les dits Consuls généraux, Consuls, vice Consuls ou agents Consulaires itaient citoyens du pays de leur residence, S'els y étaient ou y étaient duenus propriétaires, ou qu'ils y fissent le Commerce, ils Seraunt Soumis, Sous le benefice du traitement accordé aux agents unmeruaux à la même jurisdiction que les autres citoyens du pays propriétaires ou commerçants, et aux mêmes taxes et impositions que ceux-cè.

Ils pourrent plaur, au dessus de la porte extérieurs de leurs Chancelseries ou de leurs maisons d'habitation, un tableau aux armes de leur nation avu une inscription purtant ces mots: "Consul de France," ou "Consul des Etats Unis;" ils pourront aussi y arborer le drapeau de leur pays.

Ils no pourront Jamais être Contraints à compàràitre comme témoins devant les trilun aux: quand la Justice du pays aura quel que déclaration juridique ou déposition à reuvoir d'eux, elle les invitera par écrit à se presenter devunt elle et, en cas d'empûhement, elle dura leur demander leur témoignage par écrit, ou se transporter à leur demicile, pour l'obtenir de vive voix.

Les élevès Consuls Jouiront des mêmes priviléges et immunités personnelles que les Consuls généraux, Consuls, vice Consuls ou agents consulaires.

En cas de décès, d'empûhement ou d'absence de ces derniers, leurs élevès consuls, chancelièrs et Secretaires Seront de plein droit admis à gérer par intérim les affaires des portes respectifs, et jouiront pendant la durée de cétte gestion intérimaire, des prerogatives accordees aux titulaires.

ARTICLE III.

Les Chancelleries et habitations consulaires Seront inviolables.

Les autorités locales ne pourront les envalhir, sous aucun prétexte. Elles ue pourront dans aucun Cas, visiter ni Jaisér les papiers qui y Seront remfermés. Elles ne Jauraunt, dans aucun Cas, Servir de lueix d'asile.

ARTICLE IV.

Les Consuls généraux, Consuls, vice Consuls ou agents consulaires de l'un et l'autre pays aurent le droit de J'addresser aux autorités territoriales, fédérals ou locales, judiciaires et administratives, dans tout l'istendue de leur arrondissement Consulaire, pour réclamor centre toute infraction aux traités ou Conventions existant entre la France et les Etats Unis et pour protéger officiensemant les droits et les interets de leurs nation aux, notamment en cas d'absence: à défaut d'agént déplomatique de leur nation, ils Seront, au leesoin autorisés à recivurir au gouvernement général ou federal du pays dans lequel ils exercent leurs functions.

ARTICLE V.

Les Consuls généraux et Consuls respectifs Seront libres d'établir, dans tels lieux dd leur arrandissement ou ils le Jugeront utile, des vice Consuls, ou agents consulaires, uui pourrent étre choisis indistinctment parmi les Francais, les Americains des Etats Unis ou les citoyens des autres pays. Ces agents, dont la nomination Sera soumise, bien entendre, à l'approbation des gouvernements resputifs, Seront munis d'un brevît délivre par le Consul qui les aura institués et sous les ordres duquel ils agiront.

ARTICLE VI.

Les Consuls généraux, Consuls, vice Consuls ou agents Consulaires auront le droit de recevoir dans Chancelleries ou bureaux, au domicile des parties ou à berd des batiments, les déclarations des Capitaines, équipages, passagers, nógociants ou citoyens de leur pays, et tous les actes qu'ils voudront y passer.

Les Consuls généraux, Consuls, vice Consuls ou agents consulaires respectifs auront, en outre, le droit de reuvoir conformément aux lois et reglements de leur pays, dans leurs chancelleries ou bereaux tous actes conventionnels passés entre des citoyens de leur pays, et des citoyens ou habitants du pays, òu ils résident, et même tous actes de us derniers pourvre que ces actes aient rapport à des biens situés, ou à des affaires á traiter sur le territoire de la nation, à la quelle appartiendra le Consul ou l'agent devant le quel ils seront passés.

Les expéditions des dits actes dûment legalisés par les consuls généraux, consuls, vice Cousuls ou agents consulaires et munies du Cachet official de leur consulat ou agence consulaire, firont foi en justice dans tous les tribunaux de France et des Etats Unis, comme le feraunt les originaux aux mêmes.

ARTICLE VII.

Dans tous les Etats Unis de l'Union où les leis actuelles le permettent, aussi longtemps que les dites bois resteront en vigueur, et avec leur même portée les Français jouront du droit de posséder des biens meubles & immeubles, au même titre et de la meme maniére que les citoyens des Etats Unis: ils pourront en disposer librement et sans reserve, à litre gratuit ou oncreux, par donation, testament ou autrement, comme les habitants eux mêmes et ne seront, dans aucun Cas, Joumes à des droits de mutation, ne Succession ou autres différents de ceux payés par ces derniers, ou à des taxes qui ne leur seraunt pas également imposées.

Gaunt aux Etats de l'Union, dont la législation actuelle pene rmet pas aux étrangers de posséder des biens immeubles, le Prèsident s'engage à leur recommander de passor des lois néussaires pour leur confirer ce droit.

De meme et en se réservant toutefois la faculté dappliquer ultérieurement la reciprocité, en matière de possession et de Succession, la gouvernement Français reconnait aux Citoyens des Etats Unis le droit de Jouir en France, en matière de propriété mobilière, immobilière et de succession, du traitement identique dont jouissent en Erance en parcille matière les Citoyens Français.

ARTICLE VIII.

Les Consuls généraux, Consuls, vice Consuls ou agents consulaires respectifs seront exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation, et connaetront seuls de tous les différents qui se Jeront élevés en mer ou s'étèveront dans les ports, entre le Capitaine, les officers et les hommes inserits sur le rôte d'équipage, à quelque titre que ce soit, particuliérement pour le règlement des salaires et l'exécution des engagements réciproquement consentés; les autorités locales ne pourront s'immissur à acuun titre, dans us différents, et devront preter main forte aux Consuls lors qu'ils la requerront, pour faire arrêter et conduire en prison ceux des individus inserits sur le rôle d'équipage, à qulque titre que ce soit, qu'ils jugeront à propos d'y envoyer. Ces individus seront arrêtés sur la seule demande des Consuls addressée par úrit à l'auterité locale et appuyce d'un extrait official du régistre de bord ou rôle d'équipage et seront tenus pendant tout le temps de leur Jejour dans le port, a la disposition des consuls. Leur mire en liberté s'effectuera sur une simple demande des Consuls faite par ècrit. Les frais occasionés par l'arrestation et la détention de ces individus seront payés par les consuls.

ARTICLE IX.

Les Consuls generaux, Consuls, via Consuls ou agents consulaires respectifs pourront faire arréter les officiers, matelots et toutes les autres personnes faisant partie des équipages, à quelque titre que u

soit, des batiments de querre ou de Commerce de leur nation, qui seraient prévenus ou accusés, d'avoir deserté des dits batiments, pour les renvoyer à bord, où les transporter dans leurs pays. Aut effet ils s'adresseront, les Consuls de France aux Etats Unis aux magistrats dèsignés dans l'acte du Congres du 4 Mai 1826, c'est à dire indistinctement a toutes les autorités federales, d'état ou municipales; les Consuls des Etats Unis en France, à toutes les autorités competentes; et leur feront par urit la demande de us déserteurs, en justifiant, par l'exhibition des registres du batiment ou du rôle d'equipage ou par d'autres documents officiels, que les hommes qu'ils reclament faisaient partie du dit équipage. Sur cette sente demande ainsi Justifiée, et Jans qu'aucun Jerment puisse étre exigé, des consuls, la remise des deserteurs ne pourra leur itre refusée, à moins qu'il ne soit dûrment prouvé qu'ils étaient Citoyens du pays, ou l'extradition est reclamee, au mcment de leur inscription sur le rôle ou de leur arrivée au port du debarquement: il leur Jera donné toute uéle et protection pour la recherche, la Jaissée et l'arrestation de us deserteurs, lesquels seront meme détenus et gardés dans les prisons du pays, à la réquisition et aux frais des consuls, jurqu'à u que us agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne je presentait pas dans un detai de trois mois, à Compter du Jour l'arrestution, les déserteurs seraient mis en liberté et ne pourraient plus étre arrités pour la meme Cause.

ARTICLE X.

Les Consuls généraux, Consuls, vice Consuls, ou agents consulaires respectifs recurront les déclarations, protestations et rapports de tous Capitaines de batiments de leur nation, pour raison d'avaries essuyees à la mer, its freront proceder à la unstation de l'arrimage, et ils seront à meins de stipulations untraires entre les armateurs, les chargeurs et les assureurs, cvargis du soin de regler ces avaries; si des habitants du pays oú resident les Consuls, ou des citoyens d'une tierre nation se trouvaient interessés dans les dits avaries, et qui les parties ne pressent l'intendre à l'amiable, les recours à l'auterité locale compétent serait de droit.

ARTICLE XI.

Toutes les operations relatives au sauvetage des naverés francais naufragés sur les Cotes des Etats Unis, et des naverés Amèricains naufragés sur les Cotes de France sont ruputivement dirigèes par les Consuls generaux, Csnsuls, vice consuls de France aux Etats Unis, et par les Consuls generaux, Consuls et vice consuls Américaines en France, et jusqu'à leur arrivée par les agents consulaires respectifs là ou il existera une agence; dans les luiex et ports ou il n'existerait pas d'agence, les autorités locales aurent, en attendent l'arrivée du Consul, dans l'arrondissement duquel le naufrage aurait en lieu, et qui

devrait etre immèdiatement prévenu, à prendre toutes les mesures nècessaires pour la protection des individus et la conservation des effets naufragés.

Les autorités locales n'auront d'ailleurs à intervinir, que pour maintenir l'ordre, garantir les interets des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer, t'exécution des dispositions à observer pour l'entrée et la sortées des marchandisses sauvées. Il est bien entendu qui ces marchandises, ne seront tenues à aucun droit de douane, si elles douint etre réexportées, et que, si elles sont admises à la consommation, on leur accordera les modérations de droits consacrees par la lègislature des pays respectifs.

ARTICLE XII.

Les Consuls généraux, Consuls, vice Consuls ou agents consultaires respectifs, ainsi que leurs élevès Consuls Chanceliers et Secretaires jouiront dans les deux pays de tous les autres privilèges, exemptions, and immunités qui pourraient par la suite etre accordée aux agents de meme rang de la nation la plus favorisée.

ARTICLE XIII.

La présente Convention restera en vigeur pendant dix ans a partir de l'échange des ratifications, les quelles seront données conformiment aux Constitutions respectives des deux pays, et éxchangées à Washington dans le délai de six mois ou plutot, si put se faire ; dans le cas ou aucune des parties n'aurait notifié douze mois avant l'expiration de la dite période de dix ans son intention d'en faire usser les effets, la convention continuera a rester en vigueur encore une année, et ainsi de suite d'armée en annee, jusqu'a l'expiration d'une année, a partir du jouir ou l'une et l'autre des parties l'aura dénoncée.

En foi de quoi les plénipotentiaries respectifs l'ont signée et y ont opposé leur cachets respectifs.

Faite a Washington, le vignt-trois de Février, Anno Domini mil huit cent cent cinquinte-trois.

[L. S.] SARTIGES.
[L. S.] EDWARD EVERETT.

And whereas the said convention as amended has been duly ratified on both parts and the respective ratifications of the same were exchanged at Washington on the eleventh instant by William L. Marcy, Secretary of State of the United States, and the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., and Envoy Extraordinary and Minister Plenipotentirry of his Majesty the Emperor of the French, near the government of the United States on the part of their respective governments.

Now, therefore, be it known, that I, Franklin Pierce, President of the United States of America, have caused the said Convention to be

made public to the end, that the same and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twelfth day of August, in the year of Our Lord, one thousand eight hundred and fifty-three, and of the Independence of the United States the seventy-eighth.

[SEAL.] FRANKLIN PIERCE,
By the President.
W. L. MARCY,
Secretary of State.

Proces-Verbal of Affixing of Seals.

Filed March 7th, 1853.
(Signed) L. D. NICHOLLS,
Clerk.

STATE OF LOUISIANA, Parish of Ascension.

On the 6th day of March, 1853, I, J. A. Brand, Jr., Justice of the Peace in and for the Parish of Ascension, State of Louisiana, at the request of M. D. Gaudet, proceeded to the residence of the late widow François M. Prevost, and in presence of Severin Brand and L. T. Landry, witnesses of competent qualifications, duly sworn by me, proceeded to make an Inventory of and place the seals upon the following moveable property, to wit:—One drug room; one double armoir; one armoir; one room; one bureau; one trunk; one room. Inventory of the objects left for the family remaining, to wit:—Three tables; two side-boards; two clocks; two tables; one settee; 11 chairs; two candlesticks; two jars, and one lot of crockery; one lot of kitchen utensils. And I have hereby appointed Mr. Fabius Boze guardian to take care of the seals and of the effects of which an account is wherein taken, and I, the said J. A. Brand, Jr., Justice of the Peace, the two witnesses before mentioned, have signed on the day, month and year before mentioned, this proces-verbal.

(Signed) J. A. BRAND, Jr.
J. P. of Parish of Ascension.
" SEVERIN E. BRAND,
" LENFROY T. LANDRY.

Petition for Curatorship.

Filed 7th Maach, 1853.
(Signed) L. D NICHOLLS,
Clerk.

To the Honorable the Fourth Judicial District Cou t, in and for the Parish of Ascension.

The petition of Michel D. Gaudet, of the aforesaid Parish, respectfully represents:

That Mistress Anne Victoire Castelain, widow of the late François Marie Prevost, late of this parish, departed this life in the city of New Orleans, on Thursday the 3rd of the present month of March, (1853.) That said widow Prevost, was, at the time of her death, domiciled in and resident of the Parish of Ascension, where she left a large estate, composed principally of a sugar plantation and the slaves and moveables thereto attached. That her said succession is vacant; the said widow Prevost not having any known heirs within the State of Louisiana. That your petitioner is a Creditor of said succession in the sum of two thousand and eighty-five dollars and ⅔ cents, which claim is composed of money due your petitioner for his services as overseer on said plantation since the 1st of January, 1852, at the rate of one thousand dollars per annum, as also of divers sums of money advanced and lent to the said widow Prevost, and of divers debts incurred by the said plantation and paid by your petitioner at the special instance, and request of said Mistress Prevost as the whelo is more fully detailed in the account hereto annexed and made part of this petition.

That in the premises it will be necessary to appoint a Curator to said succession, and that your petitioner is advised and believes that he is entitled to claim said Curatorship, upon complying with the requisites of the law which he now desires to do. Wherefore, he prays that due and legal notice of this application be given. That petitioner thereafter be admitted to take the oath, and furnish bond and security as required by law, and that thereafter letters of Curatorship on said succession be issued to him, and for all and general relief.

(Signed) CHARLES ANDREW JOHNSON,
Att'y of Petitioner.

Order for Notices.

Let public notice be given during ten days according to law, calling upon all persons to shew cause within the legal delay why petitioner should not be appointed Curator of the vacant succession of widow François Marie Prevost, within named.

Ascension, 7 March, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

Order Appointing Curator.

Ten days notice having been given according to law, calling upon all persons to shew cause within the legal delay why petitioner should not be appointed Curator of the vacant succession of Mrs. Anne Vic-

toire Castelain, widow of François Marie Prevost, late of the Parish of Ascension, deceased, and no opposition whatever having been filed thereto. It is hereby ordered that Michel D. Gaudet of this Parish, be and he is hereby appointed Curator of the vacant succession of the said widow F. M. Prevost, and that as such letters issue in his favor upon his taking the oath and furnishing the security required by law.

(Signed) L. D. NICHOLLS,
Clerk.

Ascension, 19th March, 1853.

Curator's Oath.

Fourth Judicial District Court, in and for the Parish of Ascension.

I, Michel Gaudet, do solemnly swear that I will well and faithfully according to the best of my abilities and understanding, discharge and perform all and singular the duties incumbent on me as Curator of the vacant succession of Mrs. Anne Victoire Castelain, widow of François Marie Prevost. So help me God.

(Signed) MICHEL D. GAUDET.

Sworn to and subscribed before me.

L. D. NICHOLLS,
Clerk.

Ascension, 19th March, 1853.

Curator's Bond.

Accepted and filed 19 March, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana, Parish of Ascension.

Know all men by these presents, that we the undersigned, Michel D. Gaudet, of the Parish of Ascension, as principal obligor, and Edward Gaudin, senior, of the Parish of Ascension, as his security, are held and firmly bound unto the Honorable Albert Duffil, Judge of the Fourth Judicial District Court of the State of Louisiana, in and for the Parish of Ascension, in the full sum of fifty-one thousand seven hundred dollars, lawful money of the United States of America, for the faithful payment whereof we did bind ourselves, our heirs and assigns, jointly, severally and in solido firmly by these presents.

Dated and signed at the Parish of Ascension, this nineteenth day of March, eighteen hundred and fifty-three.

The condition of the above obligation is such, that whereas, the above bounden obligator was by a decree of the Hon'ble the above entitled Court, rendered on this day, duly appointed Curator of the vacant succession of Mrs. Anne Victoire Castelain, widow Francois Marie Prevost, late of the Parish of Ascension, deceased.

Now therefore should the said Michel D. Gaudet, well and truly according to law, discharge and perform all and singular the duties incumbent on him in his capacity of Curator aforesaid, and does moreover render a true, just, and perfect account of its actions and doings as such whenever thereto lawfully required, and furthermore does pay over and deliver all moneys and property in his hands or under his control as Curator aforesaid, unto any person duly and legally authorized to demand and receive the same, than this obligation to be null and void, otherwise to remain in full force, virtue, and effect.

In testimony whereof I have hereunto set our hands at the Parish of Ascension, on the day month and year first above written.

(Signed) MICHEL D. GAUDET,
" E. GAUDIN.
Attest L. D. NICHOLLS,
Clerk.

(*Petition for Inventory.*)

Filed 18th March, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

STATE OF LOUISIANA, Parish of Ascension.

Succession of Anne Castelain, widow of Francois Marie Prevost, to the Hon. the Court aforesaid.

The petition of Michel D. Gaudet, of the aforesaid Parish, respectfully represents:

That ten days have elapsed since the placing of the seals upon the effects of the said succession and that Petitioner is informed and believes that as Creditor of the said estate, no heir having presented himself, he is entitled to ask that the said seals be raised, and that a public inventory be made of the property and effects of the said succession. Wherefore he prays that the honorable Court do order the said seals to be raised and an inventory to be made according to law.

(Signed) CHARLES ANDREW JOHNSON,
Att'y for Pet'r.

(*Order for Raising Seals and Taking Inventory.*)

On reading the within petition, it is ordered that the seals affixed to effects of Mrs. Victorine Castelain, widow Francois Marie Prevost be removed by Henry L. Duffel, Esq., a duly qualified Notary Public in and for this Parish. It is further ordered that a public inventory in the appraisement be made according to law by the said Notary, of all the property found within this Parish depending upon the succession of said widow F. M. Prevost. Let Messrs. John Thibaut and

Eloy Duhamoy, free holders of this Parish, be and they are hereby appointed exports to appraise said property. Let William C. Lewis be and he is hereby appointed Attorney of the absent heirs of said widow F. M. Prevost.

Ascension, 18th March, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

(*Process Verbal of Raising of Seals.*)

Filed 19th March, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

STATE OF LOUISIANA, Parish of Ascension.

On this, the eighteenth day of March, 1853, I, Joseph A. Brand, Jr., Justice of the Peace in and for the Parish of Ascension, State of Louisiana, proceeded to raise the seals affixed by me on certain bureaux, armoirs and rooms on the 6th inst., at the residence of the late widow Francois Marie Prevost, and found them sound and intact as I placed them. In testimony whereof I have hereunto affixed my signature official, this 18th day of March, 1853

(Signed) J. A. BRAND,
Justice of the Peace.

Ward 6th, Ascension.

(*Copy of Inventory.*)

Filed March 19th, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana, Parish of Ascension.

Be it remembered that on this the eighteenth day of March, one thousand eight hundred and fifty-three, by virtue of an order bearing date of this day of the Honorable the Fourth Judicial District Court of the State and Parish aforesaid rendered in the matter of the vacant Succession of Anne Victoire Castellan, Widow of François Marie Prevost, both deceased, upon the petition of Michel Goudet.

T. Henry L. Duffil Notary Public duly commissioned and sworn in and for the parish of Ascension and therein residing proceeded to the late residence of the said widow François Marie Prevost in this parish for the purpose of taking a public Inventory in the appraisement of all the property situated in this parish and depending on the succession of the said deceased widow Prevost, or to the Community which existed between her and her pre-deceased husband, the said Dr. Fran-

cois Mario Prevost, and this after the seals which had been affixed by Adelard Brand, Esq., Justice of the peace of this parish, had been duly raised by him. The present inventory was made in presence of 1o. William C. Lawes attorney of the absent heirs; 2o. John Thibaut and Eloy Dicharry free holders residing in this parish, named as appraisers by the above entitled Court, and by me Notary duly sworn according to law, to appraise at their just value and to the best of their knowledge all the property appertaining to the said succession, and which will be exhibited to them. So help them God. And 3o. Lewfroid Trasimon Landry and Nerbert Brand witnesses of full age residing in this Parish and fully competent.

Description of the Property.

1o. A tract of land being lying and situated in the Parish of Ascension, opposite the town of Donaldsonville, having one arpent front on the left Bank of the Mississippi River, with a depth of forty arpents, appraised at the sum of seventeen hundred and fifty dollars, $1,750 00

2o. A brick sugar house with a steam engine, kettles and all appurtenances, appraised at four thousand dollars, 4,000 00

3o. The slave Ben, aged about twenty-eight years, appraised at nine hundred dollars, 900 00

4o. The slave Ciceron, aged about twenty-eight years, appraised nine hundred dollars, 900 00

5o. The slave Henry, aged about twenty-eight years, appraised at nine hundred dollars, 900 00

6o. The slave Harrison, aged about thirty-eight years, appraised seven hundred dollars, 700 00

The whole of the above described property belonging to the community of acquests, and gains which existed between the said Anne Marie Victoire Castellain and her pre-deceased husband, the said Dr. F. M. Prevost, (notes, see No. 59 port,)

7o. A tract of land situated in the parish of Ascension, left bank of the Mississippi River, opposite Donaldsonville, of three arpents front on said river by forty arpents in depth, bounded above by lands of Norber Brand, and below by the above described community, appraised, together with all the buildings, and with

8o. Another tract of land of four arpents front on a depth of forty arpents, immediately adjoining said described community land and bounded above by it, below by lands of widow Michel Dovadon Bringier, at twelve thousand two hundred and fifty dollars, $12,250 00

9o. Slave Bill, aged about fifty-five years, appraised four hundred dollars, 400 00

10o. Slave Daniel, aged about fifty-five years, appraised at four hundred dollars, 400 00

11o. Slave Syras, aged about fifty-one years, appraised at three hundred and fifty dollars, 350 00

12o. Slave Jenne, aged about seventy years, appraised at one hundred and fifty dollars, 150 00

13o. Slave Andrew, aged about forty-eight years, appraised at two hundred dollars. 200 00

14o. Slave Silas, aged about forty-eight years, appraised at six hundred dollars, 600 000

15o. Slave Lucien, aged about twenty-two years, appraised at one thousand dollars, 1000 00

16o. Slave Jack, aged about nineteen years, appraised at eight hundred dollars, 800 00

17o. Slave Julis aged about nineteen years, appraised at seven hundred dollars, 700 00

18o. Slave Pompey, aged about sixteen years, appraised at seven hundred dollars, 700 00

19o. Slave Unis, aged about fifteen years, appraised at five hundred dollars, 500 00

20o. Slave Melite, aged about fifty years, and her three children named Arsene, of 8 years, Philistine of 6 years, and Alcide, of three years, appraised at one thousand dollars, 1000 00

21o. Slave Aimée, aged about twenty-one years, and her child Mary, aged about three years, appraised at eight hundred dollars, 800 00

22o. Slave Aniltade, aged about twenty-two years, and her child Henriette aged about four years, appraised at eight hundred dollars, 800 00

23o. Slave Celeste, aged about forty-five years, appraised at two hundred dollars, 200 00

24o. Slave Josephine, aged about twenty-two years, appraised at six hundred and fifty dollars, 650 00

25o. Slave Nonte (sickly), aged about seventeen years, appraised at two hundred dollars, 200 00

26o. Slave Augustin aged about eighteen years, appraised at six hundred dollars, 600 00

27o. Slave Phileméne, aged about fifteen years, appraised at five hundred dollars, 500 00

28o. Slave Estelle, aged about 13 years, appraised at three hundred dollars, 300 00

29o. Slave Damas, mulatto, aged 80 years, appraised at one hundred dollars, 100 00

30o. Slave Juliette, aged 36 years, and her child Bento, aged about 17 years, appraised at nineteen hundred dollars, 1900 00

31o.	Slave Louise or Marcelite, aged about 35 years, and her children Julien, of 4 years, and Comayera, 9 years, appraised at seventeen hundred dollars,	1700 00
32o.	Slave Calice, aged about 32 years, and her children Lucille, aged 9 years, Angelina, aged about 10 years, Caroline, aged about 7 years, Antoinette, of two years, and an infant girl, of six months, ap-appraised at fifteen hundred dollars,	1500 00
34o.	Slave William, aged about thirty-seven years, appraised at one thousand dollars,	1000 00

Moveables, Cattle, &c.

35o.	Eleven mules, appraised at Eleven hundred dollars,	1100 00
36o.	6 horses appraised at ninety dollars,	90 00
37o.	4 steers appraised at thirty-two dollors,	32 00
38o.	3 Creole horses appraised at fifteen dollars,	15 00
39o.	A lot of ploughs with harness, appraised thirty dollars,	30 00
40o.	14 heads of cattle, cows and yearlings, appraised at fifty dollars,	50 00
41o.	5 carts, appraised at one hundred dollars,	100 00
42o.	A lot of farming utensils, axe, spades, hoes, &c., appraised twenty dollars,	20 00
43o.	4 barrows, appraised at six dollars,	6 00
44o.	One barouche and harness, appraised at forty dollars,	40 00
45o.	One set of scales and weights, appraised forty dollars,	40 00
46o.	Two chairs and 2 rocking chairs, appraised five dollars,	5 00
47o.	2 tables, one small bureau and commode, appraised five dollars,	5 00
48o.	A clock, appraised at six dollars,	6 00
49o.	1 pair of hand-irons, candlestick and glass shades, appr'd five dollars,	5 00
50o.	5 tables, 2 armories, 2 small looking glasses, 1 bed, 1 old piano and side-board, appraised twenty-five dollars,	25 00
51o.	2 jars, 2 tables, 2 sofas and one clock, appraised twenty-three dollars,	23 00
52o.	A lot of books, appraised at	2 00
53o.	2 bedsteads and one bathing tub, appraised at	10 00
54o.	A lot of medicines, appraised at	10 00
55o.	6 small spoons, 7 large ones and forks, appraised	30 00
56o.	2 broken spoons, and lot of crockery ware, appraised six dollars, and 1 pair of timber wheels, appraised fifty dollars,	56 00
57o.	A lot of old jewelry, appraised	6 00

58o.	A spy-glass and silver box, &c.,	3 50
59o.	1 lot of demg. and bottles, appraised	3 00
60o.	Slave Frank, aged 23 years, belonging to the community, appraised	700 00
		$41,359 50

Papers.

A patent for lands signed by President Tyler, and a plat of survey by A. J. Powell, marked A. B.

Also, divers receipts, letters, &c., &c., which were handed over to the Attorney aforesaid.

And having nothing more to inventory or appraise, I have closed this present process-verbal of Inventory, amounting in the aggregate to the sum of forty-one thousand three hundred and fifty-nine dollars and fifty cents, in the presence of the said Attorney of absent heirs, appraisers and witnesses, on the day, month and year first above written, who have signed with me, Notary, after due reading hereof.

I certify the foregoing to be a true and correct copy of the original in my office. In faith whereof, witness my hand and seal of office, Parish of Ascension, nineteenth day of March, eighteen hundred and fifty-three.

(Signed) HENRY L. DUFFIE,
Notary Public.

Petition for Homologation of Provisional Account.

Filed 26th July, 1853.
(Signed) L. D. NICHOLLS,
Clerk.

Fourth Judicial District Court.

In the matter of the vacant succession of Victoire Castelain, widow F. M. Prevost.

The petition of Michel D. Gaudet, of the Parish aforesaid, Curator of the succession aforesaid. Respectfully represents:

That he files herein a provisional account of his administration of the aforesaid succession, showing the funds that have come into his hands to be accounted for with a detailed list of his disbursements made herein, and the vouchers in support thereof.

That he has also annexed to said account, a list of such claims against the deceased, as have been presented and recognized as just debts of the succession, and there are others presented and claimed, but which your petitioner has not felt authorized to recognize, and that the former class, to wit: the recognized claims unpaid, amount to as appears by the aforesaid list to upwards of twelve thousand dollars. That the holders of said claims demand immediate payment thereof, and that in the premises a cash sale of property will be necessary to meet and satisfy the same.

That in the premises the accompanying account after due and legal notice thereof should be homologated and approved and an order of sale for cash given of the moveables and of so many of the slaves belonging to said successions as will suffice to meet the debts and claims aforesaid.

Wherefore he prays that due and legal notices of the fiting of the aforesaid tableau be given. That William C. Lawes attorney of absent heirs of the said suecession residing in the parish of Ascension, be cited to show cause why said account should not be homologated, and also why the said order of sale should not be granted, and that thereafter said account be homologated and approved, the claims thereon carried be ordered to be paid in due course of administration and that a sale for cash be ordered of the movables and of so many of the slaves attached to said succession as shall suffice to pay the same—and for all and general relief.

(Signed) CHARLES ANDREW JOHNSON,
Att'y of Petitioner.

Provisional Account.

Filed 26th July, 1853.
(Signed) L. D. NICHOLLS,
Clerk.

STATE OF LOUISIANA,
4th Judicial District Court, Parish of Ascension.

In the matter of the vacant succession of Victoire Castellain, dec'd widow of François Marie Prevost.

Provisional account herein rendered by Michel D. Gaudet Curator.

CHAPTER I.

FUNDS TO BE ACCOUNTED FOR.

Gross proceeds of the Crop of 1852,	$6,685 40
Molasses 108 gall's sold to N. Braud,	19 49

CHAPTER II.

DEBURSEMENTS.

Expenses of last illness.)

No. 1. Dr. Tascill, of New Orleans,	$ 50 00

(*Funeral Expense.*)

1. Coffin, &c., in New Orleans,	50 00
2. Coffin, &c., in New Orleans,	91 50
3. Transporting Corpse, (St. Marie,)	10 00
4. Femage at funeral,	29 25

5. Printing funeral invitations,	10 00
6. Church of Ascension,	100 00
7. Blum frires, goods furnished,	5 17
8. Arnaud's Bill for tomb,	25 00
9. Bill for hearse, &c.,	10 00
	$325 92

DISBURSEMENTS.

(*Expenses of administration.*)

Price of a'c book for Curator,	1 50
Trip to New Orleans and back,	6 00
(*Postage on letters.*)	
10. L. H. Duffel, n'y fr inventory,	25 00
11. L. D. Nicholls, clerk's costs,	11 40
12. Att'y Braud, fixing seals,	5 00
13. I. Lehman, plantation supplies,	96 75
14. F. Boyze, keeping seals and property,	32 50
15. Z. Gomez, sempstress,	10 30
16. Fullen, widow, 50 bbls. lime,	50 00
J. Goodrain, hoop-poles,	32 50
Blum thread & needles,	35
Mrs. Albert Lanvix, midwife,	5 00
	$600 00

CHAPTER IV.

DISBURSEMENTS FOR DEBTS OF DECEASED.

Augustin & Thibaut, commiss'r merchants and factors of the dec'd, less $91 50 charged in Chap. II,	$1,930 20
N. Braud, negro hire,	77 00
I. Lehman, plantation supplies, less $96 75, charged in Chap. II,	734 24
Richard & Templet, supplies,	61 80
Monsabert, druggist,	62 00
Church, fr burial of 3 slaves,	15 00
S. Braud, bill lumber,	50 85
F. Boze, carpenter's work,	154 00
E. Boursier, school acc't,	54 30
Blum frires, less $5 17, charged in Chap. II,	98 58
Andrew Gingry, provisions,	20 00
Green & Graham, "	10 85
Mrs. L. Robinson, negro hire,	40 60
Jacques Besson,	3 50
Miss Gomez,	6 75

Baptiete RourJe,	63 30	
Joseph Arnaud,	35 00	
M. D. Gaudet's acc.—for overseer's wages,	1166 66	
" supplies & money lent,	918 35	
C. A. Johnson, for legal services due by deceased,	300 00	
	$6412 25	6704 84
		6412 25
Balance funds on hand,		$292 59

CHAPTER V.

DEBTS PRESENTED FOR PAYMENT AND RECOGNIZED.

1. Obligation of the deceased in favor of John Robinson, late of the parish of Ascension now deceased, and presented by his widow in her own right as partner in community with her deceased husband, and as natural tutrix of her two minor children Victoria and Alice, and legal interest,	$10,000 00
2. Succession of widow Boze,	1562 00
3. Dr. Cottman, medical services for 1850, 1851 and 1852,	650 00

The cash balance of $292 59, found in Chapter II, the Curator proposes to keep in hand to pay the costs of homologating this account, and to meet current cash expenses incident to the administration of the plantation belonging to the succession.

To meet the claims upon the estate detailed in Chapter V, and cash sale of property will be necessary and an order to that effect has been prayed for in the Petition accompanying this account.

Ascension, 23d July, 1853. E. & O. E.

(Signed) MICHEL D. GAUDET.
Curator.

(*Citation to Att'y of Absent Heirs.*)

THE STATE OF LOUISIANA,
4th Judicial District Court in and for the parish of Ascension.

In the matter of the application of Michel D. Goudet, Curator of the vacant estate of widow Francois Marie Prevost for homologation of account and for sale of property. The State and Court aforesaid.

TO WILLIAM C. LAWES, of the parish of Ascension,
Att'y of Absent Heirs of aforesaid Estate.

You are hereby cited to show cause within ten days from service hereof in the office of the undersigned Clerk in the Court house in

Donaldsonville why the prayer of the petition whereof a duly certified copy accompanies this process verbal should not be granted.

Witness the Honorable Albert Duffel, Judge of our said Court.

Ascension, this 29th July, 1853.

[SEAL] (Signed) L. D. NICHOLLS,
Cl'k.

(*Sheriff's Return.*)

Filed 29 July, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

Received 29th July 1853.

(Signed) L. D. COMSTOCK,
Sheriff.

Received the within process on the date hereon endorsed and on the same day served a copy of the within citation and a copy of petition accompanying the same on W. C. Lawes in person.

Therefore I make this my return.

Parish of Ascension, 29th July, 1853.

(Signed) J. L. COMSTOCK,
Sheriff.

(*Answer of Attorney of Absent Heirs.*)

Filed 3d August, 1853.

(Signed) L. D. NICHOLLS,
Cl'k.

STATE OF LOUISIANA,
4th Judicial District Court, Parish of Ascension.

In the matter of the succession of Victoire Castellain widow of F. M. Prevost and of the account herein rendered by Michel D. Gaudet, Curator, and of the application of the said curator for a decree for sale of property for the purpose of paying debts.

The answer of W. C. Lawes, of the Parish of Ascension, Attorney of absent heirs herein, to the prayer for the homologation of the said account, and for the decree for the sale of property as aforesaid.

Respectfully Reports:

That he has taken cognizance of the said account and has no objection to urge to the homologation thereof; that the said sale called for is evidently necessary to meet the liabilities of the succession and that he has no objection to urge to the sale prayed for.

(Signed) WM. C. LAWES,
Att'y of absent heirs.

(*Order for Public Notices.*)

Let public notice be given during ten days according to law, calling upon all persons to show cause within the legal delay why the account within referred should not be approved and homologated.

Ascension, 26th July, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

(*Order for Sale.*)

On reading the within petition and answer of Attorney of absent heirs, it is ordered that sufficient property depending upon the estate of Mrs. Ann Victoire Castellain, widow Francois Marie Prevost, be sold to satisfy the claims within referred to, to wit: All the movable property and the slaves, Mary, aged about 22 years, and her five children, Smalle, aged about 9 years, Angelina, about 10 years, Caroline, about 7 years, Antoine, about 3 years, and an infant aged about 6 months; Amelia or Bonlon, aged about 17 years, Bonel, aged about 29 year, Henry, about 29 years, Frank, about 23 years, Harrison, about 38 years, Daniel, about 55 years, Lucien, about 22 years, Jack, about 19 years, Jules, about1 9 years, Pompey, about 16 years, and Mars 15 years. Said sale to be made by the Sheriff for cash at the Court House in Donaldsonville.

Ascension, 3 Aug., 1853.

(Signed) L. D. NICHOLLS,
Clerk.

(*Petition for Sale of Property.*)

Filed 20th April, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

FOURTH JUDICIAL DISTRICT COURT, Parish of Ascension.

In the matter of the succession of Mistress Victoire Castilain, widow of Francois Marie Prevost.

To the Hon. the Court aforesaid, the petition of Michel D. Gaudet, of the Parish of St. James, Curator of the succession aforesaid.

Respectfully shows:

That by a judgment rendered by the United States Circuit Court in and for the fifth Circuit and Eastern District, State of Louisiana, in the suit of Jean Louis Prevost, a citizen of France, against this Petitioner in his capacity aforesaid, the said Jean Louis Prevost has been recognized and declared the sole legal heir of the said Marie Francois Prevost, and that he is here present and represented by Ernest Amant, Louis Auguste Prevost, who was also recognized by the aforesaid judgment as his Attorney in fact, and as such authorized

to receive and take in possession the property and effects of the succession of said Francois Marie Prevost, and that your petitioner has accordingly declared to the said Attorney in fact the property and effects described in the inventory herein made on the 18th March, 1853, as the separate property of the said Francois Marie Prevost, which act of delivery is evidenced by notarial act passed on the 18th April, 1854, before John F. Aynaud, Buorder in and for the Parish aforesaid. That there still remains in the custody of this Petitioner the property in said inventory described as depending on the community that existed between the said Francois Marie and the said widow, to wit: The *tract of land* of one arpent, and the five slaves, *Bornen, Ciceron, Henry, Harrison, and Frank*, also sundry movable property depending on the succession of said widow Prevost, and especially 14 *head of mules*, 2 pairs of *work oxen*, and one timber wheel and its appurtenances. That an immediate sale of all said property and effects is necessary to pay debts of said community, as well of the succession of said widow Prevost, and that your petitioner believes the best interests of the said succession and community would be best consulted by selling the said property and effects on the following terms. The said movable property cash, and the land and slaves one-fifth cash, and the balance one-third in all March, 1855, one-third in all March, 1856, and one-third in all March, 1857—purchasers furnishing notes payable to their own own order and by them endorsed with security in solida to the satisfaction of the Curator, bearing interest, from and after maturity, at the rate of eight per cent. per annum; the whole secured by mortgage upon the property sold.

Wherefore, your petitioner prays that an order of sale be issued in the premises in accordance with the terms and conditions above set forth, and that William C. Lawes, Attorney of the absent heirs of the said widow Prevost, and the said Jean Louis Prevost, by his Attorney in fact in the said Ernest Amant Louis Augustee be, notified of this demand, and ordered to shew cause, if any they have, why the same should not be granted, and that within ten days from said notification, and for all and general relief. Petitioner further shews, that no appraisement of the above named property has been made within the year, and that he believes that one should be made under the authority of this Hon. Court, prior to said sale, and he prays that the same be ordered to be made and exports appointed accordingly.

(Signed) CHARLES ANDREW JOHNSON,
Att'y.

(*Answer of Att'y of Absent Heirs.*)

Filed 20 April, 1854.
Signed) L. D. NICHOLLS,
Clerk.

4TH JUDICIAL DISTRICT COURT, Parish of Ascension.

In the matter of the petition of Michel D. Gaudet, Curator for a

sale of all the remaining property of the succession of widow F. M. Prevost.

The answer of W. C. Lawes, Attorney of the absent heirs of widow F. M. Prevost, by himself appearing in Court, showeth that he sees no valid objections which can be urged against the granting of the prayer contained in said petition, it being to the interest of the said heirs that said sale should take place. He therefore makes none and consents to the said sale on the terms and conditions as prayed for in said petition.

(Signed) WM. C. LAWES,
Att'y of Absent Heirs of Widow F. M. Prevost.

(*Answer of J. L. Prevost.*)

Filed 20th April, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

4TH JUDICIAL DISTRICT COURT, Parish of Ascension.

Into Court by the undersined Counsel, comes Jean Louis Prevost, a resident and citizen of France, represented by Ernest Prevost, his Attorney in fact, and for answer to the petition of Michel D. Gaudet, Curator of the succession of widow F. M. Prevost, asking for a sale of the property that was in community between her and the said F. M. Prevost, on the terms and conditions set forth in his petition, says that as sole legal heir of F. M. Prevost, he concurs with the prayer of the petition, and prays the property may be sold accordingly; and for general relief.

(Signed) JOHN H. ILSLEY,
Att'y of Resp'dt.

(*Order for Sale and Re-Appraisement.*)

On reading the within petition and answers thereto, it is ordered that all the property depending on the community which existed between François Marie Prevost deceased and his widow Mrs. Victoire Castilian also deceased, be sold by the Sheriff of this parish in the premises after the legal delays and advertisements, upon the following terms, to wit: The moveables, cash; the land and slaves, one fifth cash, and one third in all March, 1855, one third in all March, 1856, and one third in all March, 1857, purchasers furnishing notes payable to their own order and by them endorsed with security in solido to the satisfaction of the Curator, bearing interest from and after maturity, at the rate of eight per cent. per annum—the whole secured by mortgage upon the property sold. It is further ordered that a new appraisement of all said property be made by Henry L. Duffel, Esq., a duly qualified Notary Public in and for this parish, and that Messrs.

Vatery Landry and Theophile Bouchereau be and they are hereby appointed exports to appraise the same.

Ascension, 20th April, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

(*Re-Appraisement.*)

Filed 27th May, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana. Parish of Ascension.

Be it known and remembered that on this day, the twenty-seventh of May, eighteen hundred and fifty four, by virtue of an order of the Hon. the Fourth Judicial District Court in and for the State and Parish aforesaid, bearing date of twenty-eighth April, eighteen hundred and fifty-four, and rendered in the matter of the succession of Anne Marie Victoire Castellain, widow Dr. Francois M. Prevost.

I Henry L. Duffel, Notary Public commissioned and sworn in and for the Parish of Ascension and therein residing proceeded to the late residence of the said widow Victoir Castellain in this parish for the purpose of taking a public inventory with a new appraisement of all the property situated in the parish and belonging to the estate of the said widow F. M. Prevost or to the community of acquests and gains which existed between her and her said husband, both deceased.

This new appraisement is made in presence of 1o. William C. Lawes, the attorney of the absent heirs—2o. Michel D. Gaudet, the Curator of the said estate—3o. Messrs. Valery Landry and Theophile Bouchereau, freeholders residing in this parish, named as appraisers by the above entitled Court, and by me Notary duly sworn according to law, to appraise at their just value and to the best of their knowlenge, all the property appertaining to the said succession and which will be exhibited to them. So help them God. 4o. Messrs. Pierre Rougeau and Octave Terrio, witnesses of full age and residing in this parish and fully competent. Mr. Ernest Amant Louis Auguste Prevost, special agent of his father Jean Louis Prevost.

RAD. MADEHOUSE.
Commune de Kernevel Finistére France.

A tract of land situated in the parish of Ascension on the left bank of the Mississippi river, opposite Donaldsonville, having a front of one arpent on the said river with a depth of forty arpents, bounded above by lands of Norbert Braud and below by lands belonging to the succession of the late F. M. Prevost, together with a small portion of land back of and adjoining the preceding, being such portion of sec-

tion sixty-five, township ten, range two East, as may be found within the prolongation of the said lines of the tract first mentioned; the whole appraised at three thousand three hundred dollars, $3,300 00

2o. The slave Burren or Boze, aged about 29 years, appraised at 1,200 00

3o. The slave Ciceron, aged about 29 years, appraised at 1,200 00

4o. The slave Henry, aged about 29 years, appraised at 1,300 00

5o. The slave Harrison, aged about 39 years, appraised at 1,200 00

6o. The slave Frank, aged about 24 years, appraised at 1,000 00

7o. 14 mules, appraised together, fourteen hundred dollars, 1,400 00

8o. Two yokes of oxen, appraised together, 100 00

9o. One pair of timber wheels, appraised at 50 00

$10,775 00

And there being nothing more to appraise, I have closed this proces-verbal, amounting to ten thousand seven hundred and seventy-five dollars, in presence of the said Curator, Attorney of absent heirs. Special Attorney of J. L. Prevost exposts and witnesses at the Parish of Ascension, on the day, month and year first above written, all of said parties having signed these presents after the reading thereof.

(Signed) MICHEL D. GAUDET, *Curator.*
" E. PREVOST, *Agent.*
" W. C. LAWES, *Att'y of Absent Heirs.*
" VALERY LANDRY,
" T. BOUCHEREAU,
" OCTAVE TERRIO,
" P. REUGEAU,
" HENRY L. DUFFEL,
Not'y Public

(*Sale.*)

Filed 13th June, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana, Parish of Ascension.

Be it remembered that, on this twenty-seventh day of May, eighteen hundred and fifty-four, I, J.L. Comstock, Sheriff of the Parish of Ascenson, duly commissioned and sworn, by virtue of and in obedience to a decree of the Hon. the Fourth Judicial District Court of the State of Louisiana, in and for the Parish of Ascension, dated the twentieth day of April, 1854, and rendered in the matter of the succession of Mrs. Victoire Castelain, widow F. M. Prevost, repaired to the premises situated in the Parish of Ascension, on the left Bank of the Mississippi river, opposite Donaldsonville, for the purpose of selling at public auction, the following described property, depending upon said succession, to wit:

1o. A tract of land situated in this Parish, on the left Bank of the Mississippi river, opposite Donaldsonville, having a front of one arpent on said river, with a depth of forty arpents, bounded above by lands of Norbert Braud, and below by land belonging to the succession of the late F. M. Prevost, together with a small portion of land back of and adjacent to the preceding, being such portion of section 65, Township 10, Range 2 East, as may be found within the prolongation of the side lines of the tract first mentioned. 2o. The slave Burren or Boze, aged about 29 years. 3o. The slave Henry, aged about 9 years. 4o. The slave Ciceron, aged about 29 years. 5o. The slave Harrison, aged about 39 years. 6o. The slave Frank, aged about 24 years. 7o. Sundry moveable property, and especially fourteen head of mules, two pairs of work oxen, and timber wheel.

And having first proclaimed in a loud and audible voice, the description of the property and the terms and conditions of the sale, by reading in a loud and audible voice the advertisement thereof in the French and English languages, which had been published in a newspaper printed in the town of Donaldsonville, and posted up at the Court House door for full thirty days; said advertisement containing the title of the Court and the title of the succession, a description of the property, the time, place and conditions the sale, which conditions are as follows, to wit: The moveable cash, and the land and slaves one-fifth cash, and the balance one-third, in all March, 1855, one-third in all March, 1856, and one-third in all March, 1857; purchasers furnishing notes payable to their own order, and by them endorsed with security in solido to the satisfaction of the Curator, bearing interest from and after maturity, at eight per cent. per annum, the whole secured by mortgage upon the property sold.

I then offered for sale and adjudicated the movable property as follows, to wit:

One mule named	Buck	to	E. Lacroix, for	$155 00
" "	Nelly	"	Dr. Goutreau "	133 00
" "	Roger	"	E. Lacroix, "	182 00
" "	Eclipse	"	Brubank, "	156 00
" "	Bet	"	D. Landry, "	145 00
" "	Loury	"	Burbank, "	140 00
" "	Luda	"	D. Landry, "	170 00
" "	George	"	Dr. Goutreau, "	180 00
" "	Morceau	"	H. Doyal, "	176 00
" "	Lucy	"	V. Landry "	140 00
" "	Kate	"	E. Gaudeux, "	147 00
" "	Dina	"	V. Landry, "	175 00
" "	Silise	"	J. B. Marchand, "	150 00
" "	Simon	"	"	176 00
" pair steers,	Chateau & Robin,	to	G. Lauves,	55 00
" " "	Brandy & Sion,	"	"	55 00
" " timber wheels		to	W. W. Batiman,	140 00

I then offered for sale the within described tract of land

and adjudicated the same to Norbert Braud for the full price and sum of four thousand dollars, and he gave J. A. Braud as his security in solido, 4000 00

I then offered for sale the within mentioned Burren or Boze and adjudicated to Mr. M. D. Brugier, for the full price and sum of fifteen hundred and fifteen dollars, and she gave Amedée Brugier as her security in solido.

I then offered for sale the within mentioned slave Ciceron and adjudicated him to Will Louis Colomb, for the full price and sum of fourteen hundred and thirty-five dollars, and she gave John Thibault as her security in solido.

I then offered for sale the within mentioned slave Henry and adjudicated him to H. B. Frist, for the full price and sum of fourteen hundred and twenty-five dollars, and he gave J. Tourmitton for his security in solido.

I then offered for sale the within mentioned slave Frank and adjudicated him to G. Lauve for the full price and sum of one thousand and twenty dollars, and he gave L. Marchand as security in solido.

I then offered for sale the within mentioned slave Harrison, and adjudicated him to E. Gauduns for the full price and sum of twelve hundred dollars, and he gave E. Gaudin as his security in solido.

And there being nothing more to be sold, I have closed this present process verbal of sale amounting in the aggregate to the full price and sum of thirteen thousand and seventy dollars ($13.070), in presence of O. Terrio and L. D. Nicholls, two competent witnesses, who have hereunto signed with me Sheriff aforesaid after due reading thereof, on the twenty-ninth day of May, eighteen hundred and fifty-four, and in the seventy-eighth year of the Independence of the United States of America.

(Signed) L. D. NICHOLLS,
" OCTAVE TERRIO,
" J. L. COMSTOCK,
Sheriff.

(*Extracts from Minutes.*)

At a Regular Session of the Hon. the 4th Judicial District Court of the State of Louisiana, holden within and for the parish of Ascension, on Monday the twenty-third day of October, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States of America the seventy-ninth. Present the Honorable Albert Duffel, Judge of said Court.

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Suc. of Wm. F. M. Prevost. Opp. J. L. Prevost to Curator's Account. The State intervening.

By consent of parties, it was ordered that the trial of this case so

far as the commission therein claimed by the State is concerned be fixed for Thursday, the 26th inst.

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Thursday, 26th October, 1854.

The Court this day met pursuant to adjournment—present as before.

Suc. of Wm. F. M. Prevost. Opp. J. L. Prevost to Curator's account. The State intervening.

This matter was this day taken up pursuant to assignment and according to agreement of parties. The parties having closed their evidence and been heard in argument by counsel; the case was submitted and the Court took the same under advisement.

Friday, 27th October, 1854.

The Court this day met pursuant to assignment. Present as before.

Suc. of Wm. F. M. Prevost. Opp. of J. L. Prevost to Curator's account. The State intervening.

The Court this day ordered judgment herein, in the words and figures following, to wit:

(*For Judgment see Page* 15.)

Appeal.

The Court then ordered on motion of Emile Legendre District Attorney and herein acting on behalf of the State—that a suspensive appeal from the foregoing judgment be granted returnable by consent of parties to the Supreme Court of the State sitting in New Orleans, on the fourth monday of January next, eighteen hundred and fifty-five.

The Court now adjourned till term in course.

(Signed) ALBERT DUFFEL,
Judge 4th Jud'l Dist. Court.

Attest

(Signed) L. D. NICHOLLS,
Clerk.

Succession of Wm. F. M. Prevost. Opposition of J. L. Prevost to Curator's account relative to improvements, &c.

(*Extracts from Minutes.*)

At a regular session of the Honorable the Fourth Judicial District Court of the State of Louisiana, holden within and for the Parish of Ascension on Monday, the twentieth of November, in the year of our

Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth year.

Present the Hon. Albert Duffel, Judge of said Court.

(*Trial of Remainder of Opposition.*)

Suc. of Wm. F. M. Prevost. Opp. of J. L. Prevost to Curator's account relative to improvements, &c.

By consent of both parties, it was ordered that the trial of this matter be fixed for Saturday the 2d December, 1854.

(*Judgment.*)

Saturday, 2d December, 1854.

The Court met pursuant to adjournment. Present as before.

Suc. of Wm. F. M. Prevost. Opp. of J. L. Prevost to Curator's account relative to improvements, &c.

This case was this day taken up for trial pursuant to assignment—and the parties having claused the argument by counsel, judgment was herein rendered in the words and figures following, to wit:

The within opposition was taken up for trial according to assignment, when all matters envolved in the same except so far as to the State tax already adjudicated upon—and the law and evidence being in favor of the accountant and Curator.

It is hereby ordered, adjudged and decreed, that the said opposition be and it is hereby dismissed, and the said tableau homologated and approved, except so far as concerns the question of the tax already decided, and the tableau having been amended with respect to the said tax: It is ordered that the costs of the entire opposition be paid by the succession.

(Signed) ALBERT DUFFEL,
Judge 4 Jud. Dist.

Parish of Ascension, 2d December, 1854.

(*Appeal.*)

On motion of J. H. Ilsley, Esq., Attorney of J. L. Prevost. It was then ordered that a suspensive appeal be granted from the foregoing Judgment to the Supreme Court of the State of Louisiana, sitting in New Orleans, upon said J. L. Prevost furnishing bond and security conditioned according to law, in the sum of , said appeal by consent of parties returnable to the Supreme Court on the fourth Monday of January next, (1855.)

The Court now adjourned till term in course.

(Signed) ALBERT DUFFEL,
Judge 4th Jud. Dist.

Attest, " L. D. NICHOLLS,
Clerk.

(*Evidence.*)

Succession of widow F. M. Prevost—Homologation of account—Opposition of J. L. Prevost thereto.

(*Evidence in behalf of Curator.*)

1o. Document marked A.

It is admitted by Counsels that Edward Duffel, Sr., late Parish Judge of this Parish, would swear to the verity of the statements contained in the marginal certificate set forth in the Document A.

2o. Certificate of celebration of marriage, marked B.

It is admitted that the Sugar House, Mill and Engine are community property.

3o. Agreement of Counsel, marked C.

4o. Testimony of Miller, Judge Farquier and Carllier, taken by consent before Terrio, Justice, marked D.

Henry W. Miller duly sworn, says:

Is the same H. W. Miller who signed Document D, is by profession an engineer and a mill-wright; has been for many years in the habit of putting up engines for sugar planters in lower Louisiana; has been so for twenty years; knew the plantation of Dr. Prevost during his life and that of his wife; it had been cultivated as a sugar plantation for more than ten years previous to Dr. Prevost's death. Considering the plantation in question, as a sugar plantation, not furnished with sugar-house, mill, engine, &c., but having every thing else usual and necessary to constitute a sugar plantation, he would consider such plantation enhanced in value by the addition of such improvements as are spoken in document D, to the amount of nine or ten thousand dollars. Such improvements tend to increase the revenues of the plantation, would add to its value, if the plantation were to be sold, to the amount it would cost to put them there.

(*Cross-examined.*)

Before the building of the present sugar-house, there was on the plantation, a wooden sugar-house, with horse-mill for grinding cane, and as well as he can remember, one set of kettles for making sugar; with the old sugar-mill, two hundred hogsheads of sugar could have be manufactured. Previous to the building of the present sugar-house, the crops of the plantation were taken off in the old sugar-house with the horse-mill. In his estimate of the enhanced value to the plantation by the erection of sugar-house, steam engines, &c., he did not consider that there was, at the time, on the plantation, an old sugar-house with a horse mill; cannot put a value on the whole sugar-house; consider the old mill was worth five hundred at the time that the new sugar-house was built; did not himself furnish the new mill; does not know what it originally cost.

(*Re-Examined in Chief.*)

When he said the old sugar house and mill could make 200 hogsheads of sugar, he meant that it had the capacity of doing so, if in good condition, but does not know what was the condition of the mill &c. With the improvements now on the place, five hundred hogsheads of sugar could be taken off. Admitting that the old sugar mill could have taken off 200 hogsheads, a steam mill would have had great advantages over it—the expenses would have been much lighter —there would also have been a great saving of the cane juice obtained from the same quantity of cane. A steam mill could take off the crop in one-half the time of a horse mill on an average.

(*Cross Examined.*)

The sugar made by horse mill is generally of superior quality to that made by a steam mill.

(*Re-Examined in Chief.*)

In his experience as an engineer has always found that every person who is able to put up a steam mill does so in preference to the horse mill.

Michel D. Gaudet, duly sworn, says witness is acquainted with the plantation of Dr. Prevost, and has been acquainted with it for 8 or 10 years. Since the end of the year 1851 down to the fall of 1853, resided upon it and managed it. Considering that the plantation in question as a sugar plantation not furnished with sugar house, mill, engine, &c., but having every thing else usual and necessary to constitute a sugar plantation, he would consider such a plantation enhanced in value to the amount of from ten to twelve thousand dollars by the addition of such improvement as one spoken of in Document D. Said improvements have contributed to enhance the value of the property by increasing its revenues and by the additional price that it would bring if sold—it is upon these increased revenues and the increased price that he forms his above estimate. That on first taking the management of the plantation had the sugar house and its contents exclusive of crop insured for ten thousand dollars—knew the hold sugar house—took it down himself—never saw such a sugar house—it had originally been intended for a Cotton gin—the building was solid enough but was not adapted for a sugar house—the mill was on the ground—does not think the old sugar house and mill, and every thing else worth more than from seven to eight hundred dollars—the mill was not sufficient to take off such a crop as the plantation with the force attached to it could produce—the sugar house could not make more than two hogsheads a day—does not believe that it could have even made that—that the estimation of miller and judge of the mill

and engine and putting of them up as in document D. is less than they actually cost.

(*Cross-Examined.*)

None of the improvements herein before referred to, were on the arpent of land belonging to the community and forming part of the plantation. The only building on that arpent was one house worth from one hundred to one hundred and fifty dollars. If, when the plantation was sold, there had been on it only the old sugar house, mill, &c., instead of the new ones, thinks it would have sold for $15,000. The quantity of the land which belonged exclusively to the succession of Prevost, and that belonging to the community, considers to be about the same. The clearing is the same on both tracts. The lines of the plantation do not run quite parallel, clossing slightly. The worth of the land without improvements considers to be about $30 to $35 per superficial arpent—and with the improvements from $50 to $60. The two tracts, that belonging to the succession, and that belonging to the community were sold on the same day. The plantations had been marked as a sugar plantation previous to Prevost's death. Is acquainted with Norbert Braud, who is a farmer and cultivates vegetables for market. He (Braud) lives eight acres from the Prevost place. Witness knows John Thibaut, who is a sugar planter, manages quite a large sugar plantation in the neighborhood, and is a man of some experience as a sugar planter. Mr. Norbert, Braud bought the one arpent tract—thinks that Gardner would be the proper term for his occupation—thinks that an arpent of land for the purpose of a garden in the neighborhood of a town would be worth more than if it were employed to cultivate cane. Mr. Braud raises articles for sale in the Donaldsonville market—it is his principal occupation so far as the cultivation of the land is concerned. There was a crop of cane growing on the one arpent tract at the time of its sale. The cane was far advanced and needed but little more cultivation.

(*Cross-Examined.*)

Before Mr. Braud's purchase of the one arpent tract, thinks he had enough land for gardening purposes, but not enough for corn—of the one arpent tract there were thirty superficial arpents in cane—the cane on the land enhanced its value to the purchaser to the amount of $500 or $600. Had the purchase have been a sugar planter the difference would have been greater. The bid made previous to Mr. Brand's last bid witness believes was $3,500 00, is not certain however.

(*Re-Examined in Chief.*)

Mr. Braud keeps a hostlery and receives traders with live stock, and so finds a market for their corn. He receives a higher price therefore than the ordinary market prices.

J. B. Maurus, sworn says—has known the Prevost place since the death of Prevost and previous thereto. Worked on the place as a carpenter and brick maker; know the place where the old sugar house was first built, having himself worked upon it; he furnished the bricks for the new sugar house. The appraisement of Fauquier and Carllier in document D, is much less than the sugar house actually cost. The brick alone by contract cost $1500, the machinery must have cost from $1500 to $2000 more; would estimate the value of the old sugar house at the time the new one was built at from $800 to $900. He includes in his estimate the sugar mill. The new sugar house is a strong and substantial building, calculated to last. Witness also knows the overseer's house and appurtanances, and the negro cabins built upon the place whilst Mr. Gaudet was upon it. Considers the estimates of Fauquier and Cuillier upon the second class of articles appraised by them as rather low than high. They must have cost more than $700.

(*Cross-Examined.*)

The cabins and overseer's house he considers very necessary to the plantation.

(*Re-Examined in Chief.*)

That he has heard the testimony of Miller and Gaudet upon the enhanced value of the plantation by the improvements, and considers it correct. He would adopt the estimate of Mr. Gaudet rather than that of Mr. Miller, say from ten to twelve thousand dollars.

François Boze sworn says—Knew the Prevost plantation previous and since the death of Dr. Prevost. At the time of Prevost's death the live stock serving for the use of the plantation consisted of four or five old horses, two old mules, 2 pair of oxen; there were also three or four Creole horses which were sometimes used. At the time of the sale the two mules were still alive and some of the horses. The mules might have been worth at the time of Prevost's death, one $20 and the other $40; the horses about $25 a-piece. The crops of Dr. Prevost were from 20, 30 to 40 hogsheads of sugar. The oxen at the time of Prevost's death were worth from $20 to $25 a-piece.

(*Cross-Examined.*)

It was absolutely necessary that other stock should be placed on the plantation.

(*Michel D. Gaudet—Re-Examined in Chief.*)

That the mules that were sold at the succession sale of Mr. Prevost's property in May, 1854, were 14 in number. That ten of them were purchased by Mrs. Prevost herself after the death of her husband and four of them by the Curator of Mrs. Prevost's estate after her death.

Said number could have been profitably employed on the plantation, a smaller number he is sure could not have answered. One pair of oxen was purchased by Mrs. Prevost, and one pair by witness as Curator. The two sums claimed in Chapter II of the account for mules and oxen are the proceeds of the mules and oxen above described. These oxen were necessary and useful on the plantation. The mules did not bring at the sale quite as much as they had cost, and the oxen a little more.

5o. Transcript in suit No. 2285, marked E.

6o. Act 18th April, 1854, marked F.

(*M. D. Gaudet in Chief.*)

Previous to the passage of the act marked F, the agent of Jean Louis Prevost, to wit, Ernest Prevost recognized as such by judgment of U. S. Circuit Court, had frequently visited the plantation. Previous to said act he made himself familiar with all the property by frequent inquiries as also by personal imputation. He knew all the negroes on the plantation with the exception of the children; was present on the day of sale of the community property and witnessed the adjudication of the stock, mules, &c. The timber wheel was purchased by Mrs. Prevost after the death of Prevost for the transportation of the machinery in the sugar house; it was necessary for that purpose; it is also necessary for hauling logs from the river for plantation purposes. Any property purchased by the Curator as above stated, was purchased before the heir presented himself.

7o. Copy of advertisements, marked G.

It is agreed between the parties that the records in the succession of F. M. Prevost shall be made use of with the exception of such documents as they agree to leave out.

Thus taken, closed and filed, in open Court.

No evidence adduced in behalf of opponent.

Ascension, 2 December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

It is admitted that the seven arpent tract sold on the —— May, 1854, for twenty-five thousand dollars.

2d. December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

(*Document A.*

Filed 2d December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

ETATS UNIS D' AMERIQUE—Etat de la Louisiana.

Par devunt moi John H. Isley Notaire public dument Commissionne pour la paroisse Ascension y résidant et en presence des témoins ú—aprist nemmés aussé Soussignés; Eest personnellement Comparu le Sieur François Marie Prevost demiülie en la dite paroisse, lequel déclare qu'attendu qu'il dért légitimement au Sieur Jules Balve dsmeurant dans la paroisse St. Jacques la Jemme de six mille quatre Cent trente et une piastres, cinquante cents, et attendu qu'il a ce jour souscrit son obligation payable au dit Sieur Balve ou à son crdre à eing ans de sa date et de la date de at acte pour la sus dite somme de six mille quatre cent trente et une piastres cinquante cents—maintenant afin de quarantir et d'assurer le plein et enteir payment de la susdite somme selon le tenuer de la dite obligation, le dit déclarant déclare pur us presentes trypothéquer, comme de fait il trypothèque spécialement en faveur du dit Jules Ba'oe pour la Junté du d'et billet, lequel est pur moi Notaire identifié avec cet acte tens les biens suivants savoir:

1o. Une habitation établée en seureric situcée dans la susdite paroisse Ascension sur la rive qauetre du flauve Mississippi vis à vis la ville de Donaldsonville ayant quatre arpents de face au fleuve avee une profondeur de plus de quarante arpents y compris une pertion de leur double concession—la dite terra étant entre lignes parallèles, bornée pur en traut pur la terre de Victoire Castelain et par en bas pur celle de S. C. Poursine avee toutes les bâtisses et ameliorations, blotures et autres dependances et aussi les esclaves suivants attachés à à l'habitation savoir: Abraham nègre agé de 31 ans, Billy nègre agé de 31 ans, Lendor negre, *negre* agé de 21 ans, Dick nègre agé de 17 ans, John nègre agé de 17 ans, Elias nègre agé de 28 ans, Andry nègre agé de 29 ans, Warner nègre agé de 26 ans, Marie negresse agée de 18 ans, Bartrel agée de 29 ans,—Aux présentes est intervenire Dame Marie Thèrèse Bernichon épouse du dit Sieur François Marie Prevost de lui dument antoriosée et assistée—laquelle apris avoir pris connaissance de l'acte ci—dessus relaté qui lui a été lu, a déclaré qu'elle entendait la ratifier et l'approuver et renoncer en faveur du dit Seur Jules Balve aux droits que la loi lui accorde sur les beins de son mari—sur quoi moi Notaire Soussigné, j'ai informé la dite dame qu'il était de men devoir de la prévenir hors l'entendement de son mari que la loi lui accordait une hypothèque taute sur tous ses biens, et sur aux de la communauté—1o. pour la restitution de sa dot et des beins dotaux appertés en mariagee ou subsèquemment acquis—2o. pour la restitution de ses biens paraphemaux dont son mari aurait eu l'administration ou la jouissance—3o. pour les dettes contraetées pur elle conjointement avee son mari et 4o. pour prèsents de noces, et qu'en faisant sa renonciation elle perdrait tou ses droits, jusqu'à l'extinction de la présente hypothèque—la dite Dame m'a alors déclaré qu'elle connaissait parfaitement l'étendue de ses droits sur les beins de son mari, et que néanmoins ille pursistait dans l'intention déja manifestée

de renoncer à ses droits en faveur du dit Sieur Jules Balve et de son mari dument autorissée elle renonce par les presentes à tous les droits qu'elle a sur les biens présentement hypothéqués en faveur du dit Sieur Balve et veut et entend que la presente hypothèque soit preferée, et ait la preference sur son hypothèque tacite, promettant de maintenir toujoux la presente renonciation pour benne et ne reviner jamais contre—i—celle—le Sieur Jules Balve ici present declare qu'il accepte la présente hypthéque pour lui, ses héritiérs et ayant cause.—D'apris le Certificat de Juge de cette Paroisse conservateur des hypothèques en date du dixneuvième du present mois de Furier, il delcare qu'il n'existe d'autres hypothèques inserites contre l'habitation du dit Prevost et sur ses nègres qu'une hypoteque speciale en faveur de la Compagnie du Canal (New Orleans and Canal and Banking Company) Consentie pur le dit Prevost, le Virigt trois mars mil huit cent trente trois pour la somme de cing mille piastres—ainsi fait passi it conclu à la résidence du dit Sieur François Marie Prevost dans la Susdite paroisse Ascension en presence de Jean François Boze et de A. T. Boman temoins competents requis domiciliés en cette paroisse, ce dix neuvième jour de Février de l'année, mill huit cent trente quatre, et en ma présence après avoir fait la lecture aux comparants à haute et intelligible voix—Marie Thérèse Berrichon a fait sa marque ne Sachant cérire (L'original est Signe, Prevost—marque ordinaire de X Marie Thérèse Bernichon—Jules Balve—Boze fils—A. T. Roman—John H. Isley Not. Public. Pour Copie Conforme à l'original—en foi de quvi, j'ai signé le present Certificat et l'ai Scellé du sceau de mon office à la paroisse Ascension le vingt en un Février mil huit cent trente quatre.

(Signé) [L. S.] JOHN H. ISLEY,
Notaire Public, Ascension.

Pour Copie Conforme a un acte qui se trouve enrégistré en men Burcau à la date du vingt deaux Févier mil huit Cent trinte quatre dans le Registre dis hypothèques Fo. 6 P. 84 & suin en fie de quoe témoin ma signature et le Seeau de men office.

[L. S.] (Signé) JOHN F. AYRAND,
Recorder.

Parrisse Ascesion, le trois Novembre, 1854.

$6,431 50. Paroisse Ascension, ce 19 Feorier, 1834.

A Cing ans de date ye paierai à l'ordre de Mr. Jules Baloi la somme de six mille quatre cent trente et une piastres Cinquante cents pour vateur reçue.

(Signé) PREVOST.

Ne varietur Conformément à un aute d'ypothéque passé par moi u jour.

(Signé) JOHN H. ILSLEY,
Notaire Public.

(Centre Signé.) No. 34. Ne varietur, inventoried.
(Signed) JULES MOSSEY,
Not. Pub.

L'hypotèque annullée a jour 28 Mai 1846.
(Signé) EDWARD DUFFEL,
Judge & Conservateur.

Au dos du billet dent u qui précède est une Copie fidèle et qui se trouve connexée pour recours à l'aute d'hypothèque dont Copie se trouve ci centre est écrit: pr. pro. M'me V're J. Balloi.
(Signé) T. MARIN.

Reue à Compte de utte obligation la somme de deux mille piastres, ee qui réduit cette obligation à la somme de quatre mille quatre cent trinte et uno piastres, Cinquante Cents.
Nov. Orleans le 28 Fevrier, 1839.
(Signed) J. L. GARNIER.

Pour acquit de la somme totale.
Nouville Orleans le 21 Mai, 1840.
(Signé) J. L. GARNIER.

En foi de quoi je déliivre les presentes sous ma signature et le suau de mon office à la paroisse Ascension ce jour d'hux le 3 Novembre, 1854.
[L. S.] (Signé) JOHN F. AYRAND,
Recorder.

Cette hypothéque est levie et annullée sur la presentation du Billet ei apris décrit et identifié avu l'aete d'hypothéque ci contre dument payé et acquitté sur le rivers du dit Billets de $6,431 50, daté 19 Fevriér 1834, representé par Mr. Prevost qui l'a payé.
Parriosse Ascension le 28 Mai 1840.
(Signé) EDWARD DUFFEL,
Juge et Conservateur.

Pour Capie conforme à l'original.
Paroisse Ascension le 3 Novembre, 1854.
[L. S.] (Signé) JOHN F. AYRAND,
Recorder.

(*Translation of the Foregoing Document Marked A.*)

Filed 2 December, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA, State of Louisiana.

Before me John H. Ilsley, Notary Public duly commissioned for and in the Parish of Ascension, residing therein, and in presence of the undersigned witnesses hereafter named, personally came and appeared Mr. Francois Marie Prevost domiciliated in said parish, who declares, that whereas he is justly indebted to Mr. Balloe residing in the parish of St. James, in the sum of six thousand four hundred and thirty-one 50-100 dollars, and whereas he has this day subscribed his obligation payable to said Mr. Balloe, or to his order, at five years from its date, and from the date of this act for the above said sum of six thousand four hundred and thirty-one 50-100 dollars. Now in order to guarantee and assure the full and entire payment of the above said sum, according the tenor of said obligation, the said appearer declares by these presents, mortgage, and in fact does mortgage specially in favor of the said Jules Balloe for the surety of said note, which is by me Notary identified with this act, all the property following, to wit:

1o. A plantation established as a sugar plantation situated in the above said parish of Ascension on the left side of the River Mississippi opposite the town of Donaldsonville, measuring four arpents front to said river with a depth of more than 40 arpents including a portion of the double concession; said tract of land being between parallel lines, bounded on the upper part by the land Victoire Castellain, and below by that of S. C. Poursine, together with the buildings and improvements, fences and other dependencies, and also the following slaves attached to the plantation, viz; Abraham, aged 31 years; Billy, aged 31 years; Lendor, aged 21 years; Dick, slave, aged 17 years, and John, slave, aged 17 years; Elias, aged 28 years; Andry, slave, aged 29 years; Warner, slave, aged 26 years; Marie, negro girl, aged 18 years; Rachel, negro girl, aged 29 years. To these presents appeared Mrs. Marie Thérese Bernichon, wife of the said Francis Marie Prevost, and by him duly authorized and assisted, whom after having taken cognizance of the above related act, which was read to her, declared that she ratified and approved it, and that she renounced in favor of said Jules Balloe to all the rights allowed to her by law on the property of her husband. When I, the undersigned Notary, informed said Mrs. Prevost that my duty was to inform her out of the presence of her husband, that the law granted to her a tacit mortgage on all the property of her husband, and in that of the community.

1o. For the restitution of her dowry and dotal property brought in marriage or subsequently acquired.

2o. For the restitution of her paraphernal property which her husband administered or had in his possession.

3o. For debts contracted by her jointly with her husband.

4o. For wedding gifts—and that in renouncing she would lose all her rights to the extinction of the present mortgage. The said Mrs. Prevost then declared to me that she perfectly knew the extent of her

rights on her husband's property, and she persisted in the intention already manifested to renounce to all her rights in favor of said Jules Balloe, and by her husband duly authorized and assisted, she renounces by these presents to all rights she has on the property now mortgaged in favor of said Balloe, and declares that this present mortgage be and is hereby preferred to her tacit mortgage, promising to maintain the present renunciation as good and valid, and never to appeal from it. The said Jules Balloe here present, declares that he accepts the present mortgage for him his heirs and assigns. From the Certificate of the Judge of the Parish, Recorder of Mortgages, dated the nineteenth day of the present month of February, it appears that no other mortgage exists against the plantation of the said F. M. Prevost and on his slaves, but a special one in favour of the New Orleans Canal and Banking Company, consented by said Prevost the 23d March, 1833, for the sum of five thousand dollars. Done and passed at the residence of said François Marie Prevost in said parish of Ascension in presence of Jean Francois Boze and A. T. Roman, competent witnesses residing in this parish this 9th day of Februrry 1834, and in my presence after reading the same in a loud and audible voice. Marie Theresè Bernichon made her cross, not knowing how to write. (The original is signed)

PREVOST.

Mark ⋈ of MARIE THERESE BERNICHON,
JULES BALLOE,
BOZE, fils,
A. T. ROMAN.

JOHN H. ILSLEY,
Not. Pub.

(*A True Copy of the Original.*)

In faith whereof I have signed the present certificate and sealed with the seal of my office in the Parish of Ascension, this twenty-first February, eighteen hundred and thirty-four.

(Signed) [L. S.] JOHN H. ILSLEY,
Notary Public Ascension.

A true copy of an act recorded in my office under the date of twenty-second February, eighteen hundred and thirty-four, in the mortgage book, No. 6, P. 84.

Witness my hand and seal of office, Parish of Ascension, November 3d, 1854.

(Signed) [L. S.] J. F. AYRAND,
Receiver.

($6431 50—*Parish of Ascension this 19th February*, 1834.)

Five years from date I promise to pay to the order of Mr. Jules

Balloe the sum of six thousand four hundred and thirty-one $\frac{50}{100}$ dollars for value received.

(Signed) PREVOST.

Ne varietur in conformity with an act of mortgage passed before me this day.

(Signed) JOHN H. ILSLEY,
Not. Pub.

(Counter Signed) No. 34, Ne varietur,
Inventoried.

(Signed) JULES MOSSY,
Not. Pub.

The mortgage annulled this day, 28th May, 1834.

(Signed) EDWARD DUFFEL,
Judge and Recorder of Mortgage.

On the back of the note of which the foregoing is a true copy, and which is annexed for reference to the act of mortgage, a copy of which is to be found above, is written: per pro. Mrs. Wm. J. Balloe.

(Signed) T. MARIN.

Received on account of this obligation the sum of two thousand dollars, reducing the same to the sum of four thousand four hundred and thirty-one $\frac{50}{100}$ dollars.

New Orleans, May 26th, 1838.

(Signed) J. L. GARNIER.

Received on account of that obligation the sum of two thousand dollars, reducing thereby the same to the sum of two thousand four hundred and thirty-one $\frac{50}{100}$ dollars.

New Orleans, February 28th 1839.

(Signed) J. L. GARNIER.

Received full payment. New Orleans, May 21st, 1840.

(Signed) J. L. GARNIER.

In faith whereof I declare by these presents under my signature and seal of office, in the Parish of Ascension, this third day of November, 1854.

(Signed) [L. S.] JOHN F. AYRAND,
Recorder.

This mortgage is raised and annulled on presentation of the note hereafter described and identified with the act of mortgage, duly paid and receipted on the back of said note of $6431 50, dated 17th February, 1834, presented by Mr. Prevost who paid it.

Parish of Ascension, this 28th May, 1840.

(Signed) EDWARD DUFFEL,
Judge and Recorder of Mortgages.

(*A true copy of the Original.*)

Parish of Ascension, 3d November, 1854.
(Signed) [L. S.] JOHN F. AYRAND,
Recorder.

(*Celebration de Mariage Po.*)

Filed 2d Decembre, 1854.
(Signed) L. D NICHOLLS,
Clerk.

Extract du Septiéme, Registre des nariages des blanes de l'Eglise Catholique et Paroissiale de St Louis de utte ville de la Nouvelle Orléans dans l'Etat de a Louisiane, Etats Unis d'Amérique. Francois Marie Prevost avec Anne Victoire Castelain. Etats Unis de l'Amérique. Paroisse d'Orléans. Etat de la Louisiane.

Ayourd' heir mardi le vingt neuviéme Jour du mois de Mai de l'année N. S. mil huit Cent trente huit et de l'Indépendence Américaine la Soixante deuxième. Presents, les témoins ci-après nommés et Soussignes. Par nous Louis Moni Soussigné Curé de l'Eglice Catholique Cathédral et Pariossiale St. Louis de la Nouvelle Orleans, les formalités Civiles ayant été remplies devant l'Honorable Charles Maurian Juge de la Cour de Paroisse pour et dans la ville de la Nouvelle Orleans dispensé des trois publications d'usage obtenue, du superior Evêque, sans aucune opposition légitime, ont été unis par les liens sacrés de mariage legitéme avee le Consentement mutuel denné par paroles de présents. Monsieur Francois Marie Prevost de la Paroisse de l'Ascension en cet Etat, marié en premières nous ave Marie Théresè Bernichon défunte, fils legétéme du feu Sieur Purre Prevost et de feue dame Anne Kimmer d'une part et Mademoiselle Anne Victoirn Castelain néeà Bironia Heurte et domicilicée dans utte Paroisse d'Orleans, fille majeure légitéme du feu Sieur Joseph Armant Castelain (Cambury) et de feue Dame Marguerite Bourbon d'autre part. En foi de quoi M. M. Francois Delarp, Francois Schmidt, & John Roberson témoins requis et Compétents ont signé le present acte avec nous ainsi que les parties contractantes le jour mois et année cidesus.

(Signé) PREVOST,
A. C. V. CASTELAIN,
JAROQUE TURGEAN,
F. DELAUP,
F'OIS SCHMIDT,
JOHN ROBERSON,
SCHMIDT, *Femme*,
V'VE DURAND,
ROSA DELAUP,
L. MONI,
Cure.

Pour copie conforme à l'original Conservé dans les archives de la Jusdite Eglice pour recours.
Nouvelle Orleans, le 30 Mai, 1838.
(Signé) L. MONI,
Curé.

Vû et approuvé la signature de Mr. L'abbè Moni appose au document d'autre part en sa qualité de Curé de l'Eglise Cathédrale et Paroissiale de cette ville de la Nouvelle Orleans le 1er Juin, 1838.
[L. S.] (Signé) Ant. E. de la Nouvelle Orleans. Vre par nous Consul de France soussigné pour légalisation de la signature ci dessus de Mr. l'Evêque du diocesè de la Nouvelle Orleans. A la Nouvelle Orleans, le 1er Juin, 1838.
(Signé) [L. S.] DAVID.

(*Translation of the foregoing Document Marked B.*)

Filed 2d December, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

Extract of the seventh record of marriages between whites of the Cathedral and Parochial Church of St. Louis, in this town of New Orleans, State of Louisiana, United States of America. François Marie Prevost with Anne Victoire Castelain.

UNITED STATES OF AMERICA,
Parish of Orleans, State of Louisiana.

This day, Tuesday, the twenty-ninth day of the month of May, of the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States of America, the seventy-second. Present, the witnesses hereafter named and undersigned. By us, Louis Mony, Curate of the Cathedral and Parochial Church of *of* St. Louis, of New Orleans, the civil formalities having been fulfilled before the Honorable Charles Maurian, Judge of the Parish Court of the Parish of New Orleans, the three usual publications having been dispensed with by the Bishop, without any opposition, have been united in the holy bonds of matrimony, with the mutual verbal consent of the parties present. Mr. Francois Marie Prevost, of the Parish of Ascension, in this State, widower by first marriage with Mrr Marie Therese Bornichon, deceased, legitimate son of the late Purre Prevost and Mrs. Ann Kemner on the one part, and Miss Anne Victoire Castelain, born at Bernica Husk, and domicilicited in this Parish of Orleans, daughter of age and legitimate of Mr. Josoph Amant Castelain (Camberry) and of late Mrs. Marguerite Bourbon, on the other part, in faith whereof Messrs. Francois Delaup, Francois

Schmidt, and John Reberson, competent witnesses have signed the present act together with me and the contracting parties, on the day, month, and year above written.

(Signed) PREVOST,
A. C. V. CASTELAIN,
LAROQUE TURGEAN,
F. DELAUP,
F. SCHMIDT,
JOHN ROBERSON,
MRS. SCHMIDT,
WM. DURANT,
ROSA DELAUP,
L. MONI,
Curate.

A true copy of the original kept in the archives of said above mentioned Church for reference.

New Orleans, May 30th, 1838.

(Signed) L. MONI,
Curate.

I have examined and do hereby approve the signature of Mr. L. Moni affixed to this document, in his capacity as Curate of the Cathedral and Parochial Church of this city of New Orleans, the 1st June, 1838.

(Signed) [L. S.] ANT. BIS,
of New Orleans.

Approved by me the undersigned French Consul for legalisation of the above signature of the Bishop of New Orleans.

In the city of New Orleans, this 1st June 1838.

[SEAL] (Signed) DAVID.

UNITED STATES OF AMERICA, State of Louisiana.

By Edward D. White, Governor of the State of Louisiana—These are to certify that Antoine Blanc whose name is subscribed to the instrument of writing herein annexed, is, and was at the time of signing the same, Bishop of New Orleans, and that full faith and credit are due to all his acts as such.

Given at New Orleans under my hand, and the seal of the State, this first day of June, one thousand eight hundred and thirty-eight, and of the Independence of the United States the sixty-second.

(Signed) E. D. WHITE,
By the Governor.

(Signed) W. C. C. CLAIBORNE,
Secretary of State.

(*Agreement of Parties. C.*)

Filed 2d December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

In the matter of the succession of widow F. M. Prevost.

4TH JUDICIAL DISTRICT COURT, Parish of Ascension.

It is understood and agreed between the undersigned Counsel representing the administration of the succession aforesaid, and Jean Louis Prevost the legal heir of F. M. Prevost, that the estimate made this day by H. W. Miller, and Joseph V. Juge, and Wm. H. Fauquier and Valsain Caillier as exports can be used by either party on the trial of the case, if it is decided to be admissible in evidence, and shall have the same effect as if the estimators were examined in open Court, provided no objection is made to it, by other parties uninterested.

It is also understood that it is optional with either party to use other evidence to support or contradict the above estimate; and it is also expressly understood that the said Jean Louis Prevost specially objects to the said estimate to vary or contradict the appraisement of the said property which Mrs. Prevost caused to be made when she applied to be put in provisional possession of the property of F. M. Prevost's succession.

Donaldsonville, 12th June, 1854.

(Signed) CHARLES ANDREW JACKSON,
Att'y of M. D. Gaudet, Curator.

(Signed) JOHN H. ILSLEY,
Att'y for Jean Louis Prevost.

(*Testimony of Miller and Juge. D.*)

We the undersigned, Henry W. Miller and Joseph Victor Juge, do hereby certify that on the day the 12th June, 1854, we have proceeded to examine and make an estimate of the following property attached to and belonging to the plantation of the late Dr. F. M. Prevost and afterwards to his sole heir Jean Louis Prevost.

1o.	A sugar mill, engine and boiler, estimated at three thousand two hundred and fifty dollars,	$3,250 00
2o.	A corn mill, estimated at forty-five dollars,	45 00
3o.	Brick work for mill, engine, &c.,	300 00
4o.	Timber for mill, engine and cane carrier, fifty dollars	50 00
	Total, threethousand six hundred and forty-five dollars,	$3,645 00

The above estimate represents the estimated value of the above property this day.

(Signed) H. W. MILLER,
(Signed) J. V. JUGE.

Sworn to and subscribed before me this 12th day of June, A. D. 1854.

(Signed) OCTAVE TERRIO,
Justice of the Peace.

(*Testimony of Fauquier and Caillier. D.*)

And we the undersigned, William H. Fauquier and Valsain Caillier, do hereby certify that on this day, 12th June, 1854, we have proceeded to examine and make an estimate of the following objects attached to and belonging to the property in the foregoing estimate described as follows—

1o. The sugar house with all its appurtenances, fixtures (except the sugar mill, engine, &c.,) estimated at two thousand eight hundred dollars, $2,800 00

2o. A small dwelling house or overseer's house, with other small buildings thereunto pertaining, estimated at seven hundred dollars, 700 00

Total, three thousand five hundred dollars, $3,500 00

The above estimate represents the estimated value on this day.

(Signed) W. H. FAUQUIER,
(Signed) VALSAIN CAILLIER,

Sworn to and subscribed before me this 12th day of June, A. D. 1854.

(Signed) OCTAVE TERRIO,
Justice of the Peace.

(*Transcript marked E.*)

Filed 2d December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

(*Petition.*)

To the Honorable the Judge of the Circuit Court of the United States, for the Fifth Judicial District and Eastern District of Louisiana.

The petition of Jean Louis Prevost, an alien and citizen of France, residing at Vimadillion, Commune de Vineval, Canton de Bannahi,

Arrondissement de Kemper, Department du Finisterè en France, Respectfully represents ;

That François Marie Prevost, late of the parish of Ascension in the State of Louisiana and Eastern District thereof, departed this life intestate thereat on or about the Eighth of May, one thousand eight hundred and forty-eight, leaving neither ascendants nor descendants, and that your petitioner is his german brother and only collateral relative and is therefore his sole legal heir and is legally entitled to the whole of his succession.

That your petitioner and his said deceased Brother were the lawful issue of the marriage of Pierre Jean Prevost and Jeanne Gelitte Lemorle de Venoter, who were married at L'Orient department of Morbihan in France, on the 21st of November, 1769, in which place your petitioner's brother, the said Francois Marie Prevost, deceased, was born on the 28th of July, 1771, as will more fully appear by the extract from the register of marriages of the City and Commune of l'Orient, Department of Morbihan in France, hereto annexed and marked A, and from the extracts from the register of Births of the same city, hereto annexed and marked B & C.

Your petitioner further shews, that at the time of the death of said François Marie Prevost, he was married to Ann Victoire Castellain, who, sometime after his death, to wit:—On or about the 30th of March, 1850, filed in the Honorable the District Court of the Parish of Ascension, State of Louisiana, a petition claiming the succession of her husband as irregular heir in default of legal heirs, and praying for an inventory and appraisement of all the property and effects found therein, whether separate property or community property, that thereafter, to wit:—On the 24th day of March, 1851, an inventory with an appraisement of said property was made by Henry L. Duffel, a Notary Public in and for the Parish of Ascension, which Inventory was registered and approved by a decree of said District Court of Ascension on the 10th of April, 1851, as will appear from a copy of said petitions and orders herewith filed and marked D. and E. and from a copy of said Inventory hereto filed and marked F.

That on the 31st of December 1851, the said widow of Francois Marie Prevost by a decree of said District Court of Ascension under said date, was authorized to enter into possession of the property and effects of the deceased, according to the prayer of her petition, a copy of which petition and decree as also of the bond and security given by her marked G. H. I. are hereby filed. That in virtue of said order, the said widow Francois Marie Prevost continued to possess said property as she had in point of fact possessed it from the day of the death of her said husband, until the date of said order, and her possession under said order, continued until her death, which happened on the of , 1853. That the succession of said widow Francois Marie Prevost was thereafter opened in the District Court of Ascension, State of Louisiana, as a vacant succession, and Michel D. Gaudet was appointed Curator thereof, who caused an Inventory

to be made on the 18th of March, 1853, by Henry L. Duffel, Notary Public of Ascension, by virtue of an order of the District Court of Ascension. That said inventory embraced the same property as that which was inventoried and appraised on the 24th of March, 1851; the value of all the property inventoried being according to the appraisement, forty-one thousand three hundred and fifty-nine dollars 50 cents, a portion thereof appraised at $9,850, being described as property of Community, which had existed between the said Francois Marie Prevost and the said Ann Victoire Castelain, and all the remainder being the separate property of Francois Marie Prevost, as the whole will more fully appear from the copy of the letters of Curatorship granted to the said Michel D. Gaudet, and said Inventory of the 18th of March, 1853, herewith filed and marked K. and L.

That ever since the death of said François Marie Prevost the whole of said property has produced fruits and revenues which were received during her life by said widow, and since her death by the said Gaudet, Curator, as aforesaid, which fruits and revenues amounted annually to the gross sum of fifteen thousand dollars. That reserving the right to claim as separate property that which has been represented as property of the community on the inventories aforesaid and not hereby admitting that any of the property left by said F. M. Prevost and his widow and now in the hands of said Gaudet as Curator of said widow was other than the separate and exclusive property of said Francois Marie Prevost. Your petitioner alleges that as sole legal heir of said F. M. Prevost, he is entitled to claim and receive the possession of all the separate property of said F. M. Prevost and of all his portion of the community property, and of all the fruits and revenues of his succession from the day of his death, and to demand and receive of said Michel D. Gaudet, Curator, a full account and delivery of possession.

Your petitioner shows that while said Gaudet, Curator, alone has possession of the property aforesaid, attorneys have been appointed by the Honorable District Court of the Parish of Ascension to represent the absent heirs of the parties deceased, to wit: Edmond Maurin, Esq., attorney of the absent heirs of Francois Marie Prevost, and William C. Lawes, Esq., attorney of the absent heirs of the late Ann Victoire Castelian, widow of said F. M. Prevost, whom it is necessary to make parties hereto as your petitioner is advised—and your petitioner avers that the said Michel D. Gaudet, Edmond Maurin, Esq., and William C. Lawes, Esq, are all citizens of thv United States and of the State of Louisiana, and reside within the Eastern District thereof, to wit: in the parish of Ascension, except Edmund Maurin, Esq., who resides in the parish of Assumption—and your petitioner shows that by a special power of attorney executed by him before Louis Le Rounea, Notary Public at Elliant, Department of Finisterè in France on the 21st August, 1853, which original power or procuration duly authenticated is hereto annexed and marked M. Your petitioner has constituted and appointed and named Ernest Amant Louis Auguste Prevost his special attorney in fact with full power to demand and receive

from any and all persons the full and entire estate of the deceased Francois Marie Prevost, and to receive and debate said Curator's account and give full acquittances.

That said Attorney in fact is here present, demanding and ready and able to receive said succession and said Curator's account as aforesaid in your petitioner's name and for your petitioner's use.

Wherefore your petitioner prays that Michel D. Gaudet, Curator of the vacant succession of Ann Victoire Castelain, widow of Francois Marie Prevost, and W. C. Lawes, Esq., attorney of the absent heirs of said widow, and Edmond Maurin, Esq., attorney of the absent heirs of Francois Marie Prevost be cited to answer this petition: that after due proceedings it be decreed by this Hon. Court that your petitioner is the sole legal heir of the late Francois Marie Prevost; that as such your petitioner be ordered to be put in possession of the entire succession of the said Francois Marie Prevost; that if any portion of said succession consist of community property, that then a partition, liquidation and settlement of said community be ordered to be made; that said Curator, Michel D. Gaudet, be orderod to render a full account to your petitioner and to pay and deliver over whatever balance may appear to petitioner's credit, to your petitioner's attorney in fact, the said A. L. A. Prevost, and that the costs of said rendition of accounts and settlement and liquidation of the community be borne by the estate and community according to law.

And your petitioner prays that all other relief which the nature of the case may require.

(Signed) JOHN H. ILSLEY,
Att'y for Petitioner.

(Signed) S. L. JOHNSON,
Att'y for P'r.

(*Endorsed.*)

Jean Louis Prevost. No. 2285. Michel D. Gaudet, Curator, et al.

U. S. CIRCUIT COURT.

Petition filed 3d January, 1854, with exhibits A, B, C, D, E, F, G, H, I, K, L, M.

(Signed) JOHN. W. GURLEY,
Clerk.

Service of the within petition accepted and citation waived this 2d January, 1854.

(Signed) CHARLES ANDREW JOHNSON,
Att'y of M. D. Gaudet, Curator.

I acknowledge service of the within petition and legal process.

(Signed) EDMOND MAURIN,
Att'y of the Absent Heirs of Francois Marie Prevost.

I acknowledge service of the within petition and legal process.

(Signed) WM. C. LAWES,
Att'y of the Absent Heirs of Ann Victoire Castelain, widow of Francois Marie Prevost.

(*Answer of Gaudet, Curator.*)

JEAN LOUIS PREVOST,
vs.
M. D. GAUDET, Curator.

CIRCUIT COURT OF THE UNITED STATES, for the 5th Judicial Circuit Eastern District of Louisiana.

Into Court by the undersigned his Counsel, comes the defendant and averring his readiness to render an account of administration to whomsoever he may ordered to render the same, hereby denies generally all the allegations of the petitioner and prays to be hence dismissed with his costs. And for general relief,

(Signed) CHARLES ANDREW JOHNSON,
Attorney.

(*Endorsed.*)

PREVOST,
vs.
GAUDET, Curator. } No. 2285.

U. S. CIRCUIT COURT.

Answer of Gaudet, Curator, filed 10th February, 1854.

(Signed) J. W. GURLEY,
Clerk.

(*Answer of the Absent Heirs of F. M. Prevost.*)

JEAN LOUIS PREVOST,
vs.
MICHEL D. GAUDET, et al. } No. 2285.

CIRCUIT COURT OF THE UNITED STATES for the 5th Judicial Circuit, Eastern District of Louisiana.

Now comes into Court the attorney of absent heirs of the late F. M. Prevost, who for answer denies all and singular the allegations of the petition in the above entitled suit—wherefore prays that said petition be dismissed with costs. And for general relief,

(Signed) EDMOND MAURIN,
Att'y of Absent Heirs of F. M. Prevost.

(*Endorsed.*)

JEAN LOUIS PREVOST, } No. 2285.
vs.
M. D. GAUDET, et al. }

CIRCUIT COURT, EASTERN DISTRICT OF LOUISIANA.

Answer of attorney of absent heirs of F. M. Preuost. Filed 10th February, 1854.

(Signed) J. W. GARLEY,
Clerk.

(*Answer of Att'y of Absent Heirs of Widow F. M. Prevost.*)

JEAN LOUIS PREVOST } No. 2285. Circuit Court of the United
vs. } States, 5th Judicial District, Eastern District
MICHEL D. GAUDET. } of Louisiana.

The undersigned Attorney of the absent heirs of Mrs. widow Prevost, comes into Court, and for answer to the above entitled and numbered petition, says: That he denies all and singular the allegations and averements contained in said petition, and prays that the demand of the plaintiff be rejected at his costs, and for general relief.

(Signed) W. C. LAWES.

(*Endorsed.*)

JEAN LOUIS PREVOST } No. 2285. U. S. Circuit Court.
vs. }
MICHEL D. GAUDET. }

Answer filed 10th February, 1854.

J. W. GURLEY,
Clerk.

(*Decree.*)

JEAN LOUIS PREVOST } No. 2285.
vs. }
M. D. GAUDET, Curator. }

New Orleans, Saturday, 1st April, 1854.

Court met pursuant to adjournment. Present, Hon. Theo. H. McCaleb, District Judge. Absent, J. A. Campbell, Presiding Judge.

This cause came on for trial by the written consent of the parties on file, Messrs. J. H. Ilsley and S. L. Johnson appearing for plaintiff, and C. H. Johnson, Esqr., for Michel D. Gaudet, Curator of the succession of widow F. M. Prevost, C. Lawes, Esq., Attorney of the absent heirs of widow F. M. Prevost, and Edmond Maurin, Esq., Attorney of the absent heirs of Francois Marie Prevost, not being present though duly called.

Whereupon, the cause was proceeded with, and the Court being satisfied from the evidence offered in behalf of the plaintiff, that he is the only brother of the deceased Francois Marie Prevost, and that the deceased died, leaving neither ascendants nor descendants, and that the plaintiff is sole heir at law, and is duly represented here by his attorney in fait, Armant Louis Auguste Prevost. And it appearing further by the evidence in this case adduced that the property of the succession of the said F. M. Prevost, was in the possession of his widow at the time of her death, and is now in the custody and possession of Michel D. Gaudet, Curator of her succession. It is therefore ordered, adjudged and decreed, that the plaintiff, Jean Louis Prevost, be and he is hereby recognized as the sole heir of the late Francois Marie Prevost, and that the defendant, Michel D. Gaudet, Curator as aforesaid, do render a full account of the succession of the deceased F. Marie Prevost, and that he pay and deliver whatever balance may be due by him to said succession, and put the petitioner by his said attorney in fact in possession of the entire succession of said Francois Marie Prevost, and that the costs of this proceeding be borne by said succession.

Judgment signed 6th April, 1854.

THEO. H. McCALEB, [SEAL.]
U. S. Judge.

CLERK'S OFFICE:—

I do hereby certify the foregoing eleven pages to be true copies of the originals on file, and of record in the suit of Jean Louis Prevost *vs.* Michel D. Gaudet, Curator and al. In faith whereof, I have hereunto set my hand and fixed the seal of Court, at the City of New Orleans, this thirteenth day of November, A. D. one thousand eight hundred and fifty-four.

(Signed) J. W. GURLEY,
[L. S.] By F. C. LAVILLE,
D. Clk.

(*Act of Delivery F.*)

Filed 2d December, 1854.
(Signed) L. D. NICHOLLS,
Clerk.

ETATS UNIS D'AMÉRIQUE,
Etat de la Louisiane, Paroisse Ascension.

Qu'il Soit notoire que ce jourd'hui le dix huit Avril mil huit Cent cinquante quatre. Pardovant moi, John F. Ayrand Recorder de la Paroisse Ascension Susdite, dument Commissionné et qualifié, y resident, et en presenu des témoins, ci-après nommés et Soussignés. A personnellement Comparu le Sieur Michel D. Gaudet agusant aux présentes en sa qualité de Curateur dument qualifié de la succession de

feue dame Victoire Castelain veuve de François Marie Prevost, lequel en vertu d'un jugement rendu par la Cour de Circuit des Etats Unis, dans et pour le Cinquiéme Circuit, District Est, dans et pour l'Etat de la Louisiane á la date du 6 Avril, 1854, (dont Copie Certifié est ci-annexe pour recours) le quel déclare par ces présentes faire livraison au Sieur Ernest Armant Louis Auquete Prevost, en présent, acceptant et aqisant comme fondé de pouvoirs dument qualifié et recounu comme tel aux termes du jugement sus relaté de Sieur Jean Louis Prevost aussi reconnu par le sus det jugement Comme, Suel horitier de feu Francois Marie Prevost, des objèts ci après decrits Composant les biens propres de feu le dit F. M. Prevost et dont le Sieur Michel D. Gaudet en qualité Se trouvant étre en possession. Savoir 1o. Un Certain morceau de terre Située en cette Paroisse sur la rive gauche du fleuve Mississippi presque en feu de la ville de Donalsonville, de la Contenance de Sept arpents de faue au dit fleuve, sur nue profendeur de quarante arpents. Borné en haut par un arpent de terre dependant de la Communanté qui existait entre feu le dit Siur Francois Marie Prevost et sur épouse dame Victoire Castelain, et en bas par la propriété de Dame Veuve M. Douradou Bringier. 2o. Un Certain morceau de située en arrière et attenant au morceau sus décrit renformé entre les lignes latérales et prolongées d'i-celui et faisant partie de la section soixante Cing dans le Township No. dix (a l'cet du fleuve Mississippi.) Bangee No. deux Est, dans le district des terres suyettès à être vendues à la Nouvelle Orleans. Laquelle section ainsi qu'il appert de la patente des Etats Unis portant le No. 78 contient trente quatre acres superficiéls. 3o. Les Esclaves suivantes, étant les mêmes portés dans l'inventaire de Madame V've Prevost fait par Henry L. Duffel Notaire Public en cette Paroisse à la date du 18 Mars 1853, dont les noms et l'age correspondent avu la description qui en est faite dans la dite inventaire, Savoir: Bill agé de 55 ans, Daniel agé de 55 ans, Lyas agé ds 51 ans, Isaac agé de 70 ans, Silas agé de 48 ans, Andrew agé de 48 ans, Lucien agé de 22 ans, Jack agé de 19 ans, Jules agé de 19 ans, Pompey agé de 16 ans, Mars agé de 15 ans, Melite agé de 50 ans. Et ses infants Arsenè alias Mistress agée de 8 ans, Philotenè agée de 6 ans, et Alcide agé de 3 ans; Aimé agée de 21 ans et ses infants Mary agée de 3 ans, et un infant en bees agé. Avullette agée de 22 ans et ses infants Henriette agée de 4 ans et un Jeune infant, Celeste agée de 45 ans, Josephine agée de 22 ans, Noute (maladive) agée de 17 ans, Augustine agée de 18 ans, Philomenè agée de 15 ans, Estelle agée de 13 ans, Dumas agé de 60 ans, Julette agée de 36 ans, Bonbon agée de 17 ans, Louise ou Marcelitè agée de 34 ans, et ses infants Coone agé de 9 ans, et Julien agé de 4 ans, Calin agé de 12 ans. Mary agée de 32 ans, et ses infants Angeline alias Rovue agée de 10 ans, Lucile alias Minon agée de 9 ans, Caroline agée de 7 ans, Antoine agé de 3 ans, et un infant agé de 6 mois, William agé de 37 ans. 4o. Les effets mobiliérs Suivonts, Savior: Deux mulets Jenny & Figaro, sex Chevaux Americiani et 3 Creoles, une pairs de bocufs de tire Linèt & Rouget. Qua-

tre Charrettes et hamais, un lot de charrues et hamais. Les outils aratoires tets que pelles, peoches &c., toutes les bétes à Cornes que se trouvent sur l'habitation, une vieille Barouche avu hamais—deux balances avu leurs poids et tous les meubles meublans—l'argenterie et les ustensiles que de trouvant dans la maisen et dont ample descréption se trouve dans l'inventaire susdit, Les quels objets le Sieur Ernest Armand Louis Auguste Prevost es qualite reconnait avoir été dument mis en possession et dont il accepte levraison, sans prejudice toute fois à tous autres droits qu'il pourcait établir antre la succession de feu dame Veuve Prevost.

Le Sieur Prevost declare ici qu'il existe sur la terre premièrement décrit dans cet acte, les améliorations suivants qui dependent soit de la communanté qui existait entre feu le Sieur Francois Marie Prevost et la Dame Victoire Castelain, ou de la succession de feu la dite Dame telles que la sucrerie en briques, la machine á vapeur, quatre cabannes nueves, la maison de l'économe et ses dependences pour les quelles le dit Sieur Prerost reconnait qu'il est du á la succession de la Dame Victoire Castelain une indemnité qui sera établée conformiment a la loi.

Et attendu que le Sieur Gaudet en sa qualité preitée est responsible vis—á vis de l'Etat de la Louisiane de la taxe des dix pour cent frappée sur les successions échues aux étrangers, et que le dite Sieur Gaudet a droit aussi de peruvoir une commission de deux et demi pour cent de commission pour sur le montant total de l'inventaire en tant que la dite commission sera due par la succession recueillie par le Sieur Prevost. Le dit Sieur Prevost declare qu'il tiendra compte de la dite taxe et de la dite commission au dit Sieur Gaudet, et qu'á cet effet il reservera sur le prix de toute la vente qu'il pourra faire des propriétés sus dites, la somme de cinq mette piastres qu'il déposera entre les main du Recorder de cette paroisse jusqu'à la liquidation de la dite succession, et jusqu'á ce que le dit Gaudet ait obtenir une décharge complete comme Curateur de la dite succession.

Dant acte fait et passé à la paroisse Ascension, le jour, mois et an que dessus, en presence de Mr. Charles Andrew Johnson et Emile Berauvé témoins compétents qui ont signé aux iles parties et nous Recorder, aprés lecture faite les présentes.

(Signé) MICHEL D. GAUDET,
" E. PREVOST,
" CHARLES ANDREW JOHNSON,
EMILE BUQUOI,
" JOHN F. AYRAND,
Recorder de paroisse.

Pour copie confirme à l'original déposé et mis au rang des minutes de mon etude.

PAROISSE ASCENSION *le* 1*er Juin*, 1854.

[L. S.] (Signé) JOHN F. AYRAND,
Recorder de paroisse.

(*Translation of the foregoing Document F.*)

Filed 2d December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana. Parish of Ascension.

Let it be known, that this day, the eighteenth April, eighteen hundred and fifty-four, before me, John F. Ayrand, of the above mentioned Parish of Ascension, duly commissioned and qualified, therein residing, and in presence of the witnesses hereafter named and undersigned. Personally came and appeared, Mr. Michel D. Gaudet, acting in his capacity of Curator, duly qualified of the succession of the late Victoire Castelain, widow of Francois Marie Prevost, whom, in virtue of a judgment rendered by the United Circuit Court, in and for the fifth Circuit of the Eastern District of the State of Louisiana, rendered on the 6th of April, 1854, (of which certificate copy is hereto annexed for reference,) declares by those presents deliver up to Mr. Ernest Armant Auguste Prevost, here present and accepting and acting as attorney in fact duly qualified, and as such recognized in the above mentioned judgment of Mr. Jean Louis Prevost, also recognized by said judgment as sole heir of the late Francois Marie Prevost, the objects hereafter described comprising the property belonging to the said late Francois Marie Prevost, and which the said Michel D. Gaudet in his capacity, had possession of, viz: A certain tract of land situated in this parish, on the left side of the Mississippi river, opposite the town of Donaldsville, containing seven arpents front on said river, on a depth of forty arpents; bounded on the upper line by an arpent of land belonging to the community that existed between said late Francois Marie Prevost and his wife Mrs. Victoire Castelain, and on the lower line by the property of widow Douradou Bringier.

2o. A certain tract of land situated back and joining the above described tract enclosed between the lateral lines, and extending from the 2d tract and forming part of section sixty-five, in Township No. ten East of the Mississippi river in Range No. two East, in the District of lands subject to sale at New Orleans, which section, as it appears by the Patent of the United States bearing No. 78, contains thirty-four superficial acres.

3o. The following slaves being the same mentioned in the Inventory of Mrs. widow Prevost, made by Henry L. Duffel, Notary Public in this parish, at the date of the 18th March, 1853, whose names and age correspond with the description that is made in said Inventory, viz: Bill, aged 55 years; Daniel, aged 55 years; Lyas, aged 51 years; Isaac, aged 70 years; Silas, aged 48 years; Andrew, aged 48 years; Lucien, aged 22 years; Jack, aged 19 years; Jules, aged 19 years; Pompey, aged 16 years; Mars, aged 15 years; Melite, aged

50 years, and her children Arsène alias Mistress, aged 8 years; Philoténe aged 6 years, and Alcide aged 3 years; Aimee, aged 21 years, and her children, Mary aged 3 years, and an infant; Aoullette aged 22 years, and her children, Henriette, aged 4 years, and an infant; Celeste, aged 45 years; Josephine, aged 22 years; Noute (sickly) aged 19 years; Augustine, aged 18 years; Philomine, aged 15 years; Estelle, aged 13 years; Dumas, aged 60 years; Juliette, aged 36 years; Bonbon, aged 17 years; Louise or Marcelite, aged 34 years, and her children, Coon, aged 9 years, and Julien, aged 4 years; Calen, aged 12 years; Mary, aged 32 years, and her children, Angelan, alias Pouie, aged 10 years; Lucile, alias Minion, aged 9 years; Caroline, aged 7 years; Antoine, aged 3 years, and an infant aged 6 months; William, aged 37 years.

4o. The moveable effects, viz: Two mules, Jenny and Figarro; six American horses and two Creoles; one pair of oxen, Linet and Rouget; four carts and harness, a lot of ploughs and harness; a lot of farming utensils, as shovels, hoes, &c.; all the horned cattle that are on the plantation; an old carriage with harness; two scales with their weights; and all the furnitures; the silver plate and all the utensils that are in the house, and of which a description is given in the above mentioned Inventory. All of which the said Ernest Armant Louis Auguste Prevost, in his capacity, recognizes having been put in possession and of which he accepts delivery without prejudice to all other rights he could establish against the succession of widow Prevost.

Said Prevost hereby declares that there is on the land first described in this act the following improvements depending either from the community that existed between Francois Marie Prevost and Victoire Castelain, or from the succession of said Mrs. Victoire Castelain: The brick sugar house, a steam engine, four new negro houses, the overseer's houses for all of which the said Prevost recognizes that an indemnity is due to the succession of Mrs. Victoire Castelain, which indemnity shall be established in conformity to law.

And whereas said Mr. M. Gaudet, in his above mentioned capacity, is responsible towards the State of Louisiana for the tax of ten per cent. on all successions awarded to foreigners, and that said M. Gaudet has also a right to receive a commission of two and a half per cent. on the total amount of the Inventory, and as said commission will be due by the succession falling to by said Prevost. The said Prevost declares that he will be liable to said Gaudet for the commission due him and for the said tax, and that to that effect he will reserve on the price of all sale made of the property above described, the amount of five thousand dollars, that he will deposit in the hands of the Recorder of this Parish until the liquidation of said succession, and until said Gaudet has obtained a complete discharge as Curator of said succession.

Done and passed in the Parish of Ascension the day, month, and year above written, in presence of Messrs. Charles Andrew Johnson

and Emile Buquoi, competent witnesses, who have signed with the parties and me the Recorder, after the reading of the same.

(Signed) MICHEL D. GAUDET,
" E. PREVOST,
" CHARLES ANDREW JOHNSON,
" EMILE BUQUOI,
" JOHN F. AYRAND.
Parish Recorder.

A true copy of the original deposited and making part of the records of my office.

Parish of Ascension, 1st June, 1855.

(Signed) [L. S.] JOHN F. AYRAND,
Parish Recorder.

(*Advertisements G.*)

Filed 2d December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

Fourth Judicial District Court of the State of Louisiana, in and for the Parish of Ascension.

Succession of Victoire Castelain, widow F. M. Prevost.

By virtue of an order of the above entitled Court, rendered this day in the matter of the above succession, I shall offer at public sale on the premises on Saturday, the 27th May, 1854, at 10 o'clock A. M., the following described property depending upon said succession, to wit: 1o. A tract of land situated in this Parish of the left bank of the Mississippi River opposite Donaldsonville, having a front of one arpent on said River, with a depth of forty arpents, bounded above by lands of Norbert Braud, and below by lands belonging to succession of the late F. M. Prevost; together with a small portion of land back of and adjacent to the preceding, being such portion of section 65, Township 10, Range 2 east as may be found within the prolongation of the said lines of the tract first mentioned.

2o. The slave Burren or Bore, aged 29 years.
3o. " " Ciceren, " " "
4o. " " Henry, engineer, " " "
5o. " " Harrison, 39 "
6o. " " Frank, " 24 "
7o. Sundry moveable property and especially 14 head of mules, 2 pair of work oxen and timber wheel.

(*Terms and Conditions.*)

The moveable, cash; and the land and slaves one fifth cash and the

balance one third in all March, 1855, one third in all March, 1856, and one third in all, March, 1857. Purchasers furnishing notes payable to their own order and by them endorsed with security in solido to the satisfaction of the Curator bearing interest from and after maturity at eight per cent. per annum, the whole secured by mortgage upon the property sold.

Ascension, 20th April, 1854.

(Signed) J. L. COMSTOCK,
Sheriff.

COUR DE QUATRIEME DISTRICT JUDICIAIRE, DE L'ETAT DE LA LOUISIANE, dans et pour la paroisse Ascension.

Succession de Dame Victoire Castelain, veuve de F. M. Prevost.

En vertu d'une ordre de l'Honorable Cour sus mentionnée renduee jour dans l'affaire de la succession sus dite, j'offerai en vente publique sur les liciex le Samedi 27 Mai, 1854, à dix heures du matin les propriétés suivantes dependant de la dite succession, savoir:

1o. Une terr e ou habitation située dans la paroisse Ascension sur la rive gauche du Mississippi en face de Donaldsonville ayant un arpent de fauce au dit flueve sur quarante arpents de profondeur bornée par en haut par les tierres de Norbert Braud et en bas par les terres de la succession de feu F. M. Prevost, ensemble avec une petite portion de terre située derniére et attenante à celle ce dessus décrite étant une portion de la Section 65 Township 10 Range 2, est qui se trouve comprise entre les lignes latérales prolongées de la terre premiérement décrite.

2o. Burren or Bore, agé d'environ 29 ans.
3o. Ciceron, " " " "
4o. Henry ingénieur, " " " "
5o. Harrison, " " 39 "
6o. Frank, " " 24 "
7o. Divers effets mobiliers entre autres 14 tetes de mulets, 2 paires de bœufs de tire, et une diable.

(*Termes et Conditions.*)

Les effets mobiliers, comptant; la terre et les esclaves, un cinquiéme comptant, et la balance un tiers en tout Mars, 1855, un tiers en tout Mars, 1856, et *et* un tiers en tout Mars, 1857. Les acquéreurs devront fournir des billets payables à leur propre ordre et par eux endossés avec caution à la satisfaction du Curateur pertant interet à huit pour cent. l'an aprés úhéance, le tout garanti par hypothéque spéciale sur la propriété vendu.

Ascension, le 20 Avril, 1854.

(Signé) J. L. COMSTOCK,
Sheriff.

(*Auction Sale of the Property belonging to Jean Louis Prevost.*)

I will offer at public sale on the premises, on Saturday, the 27th May, 1854, immediately after the sale of the property depending on the succession of Mrs. Victoire Castelain, widow F. M. Prevost, the following described property, to wit:

1o. A tract of land situated in the Parish of Ascension, left bank of the Mississippi river opposite Donaldsonville, having seven arpents front to said river, by forty arpents in depth; bounded above by lands depending on the succession of the said Mrs. Victoire Castelain, widow F. M. Prevost, and below by lands of widow M. D. Bringier, together with the buildings and improvements thereon, together also with a certain portion of land in the rear of and adjacent to the preceding, being such portion of section 65, Township 10, Range 2 East, as is embraced within the prolongation of the said lines of the tract first described.

2o. The slaves whose names and ages follow: Bill, aged 56 years; Daniel, aged 56 years; Lyas, aged 52 years; Isaac, aged 75 years, runaway; Silas, aged 49 years, cooper, carpenter and sugar maker; Andrew, aged 49 years; Lucien, aged 23 years; Jack, aged 20 years; Jules, aged 20 years; Pompey about 17 years; Mars about 16 years; Melite about 51 years, with her children, Arsene 8 years, Philotine 6 years, and Aleide 3 years; Aimee 22 years, and her children, Mary 4 years, and an infant; Aouelette 23 years, and her children, Henriette 5 years, and an infant; Celeste, aged 46 years; Josephine, aged 28 years; Noute 18 years, sickly; Augustine 19 years; Philoméne 16 years; Estelle 14 years; Dumas 61 years; Juliette 37 years; Bonbon 18 years; Louise or Marulite 35 years, washer, ironer, and her children, Coon 10 years, and Julien 4 years; Calia, aged 13 years; Mary Cook, aged 33 years, and her children, Angeline or Pouie, 11 years; Lucile or Minon, 10 years; Caroline, 10 years; Antoine, 3 years, and a younger child; William, aged 37 years, Blacksmith.

3o. Sundry moveable property, such as farming utensils and agricultural implements, also two mules, 1 pair work oxen, horses, horned cattle.

(*Terms and Conditions.*)

The moveable cash; the land and slaves one-tenth cash, and the balance one-third in all March, 1855; one-third in all March, 1856; and one-third in all March, 1857. Purchasers furnishing notes payable to their own order, and by them endorsed with security in solido, to the satisfaction of the vendor, bearing interest from and after maturity at eight per cent. per annum, the whole secured by mortgage with vindorè privilege on the property sold.

Parish of Ascension, 21st April, 1854.

(Signed) J. L. COMSTOCK,
Sheriff.

Vente à l'Enean de propriétès appurtenant au Sieur Jean Louis Prevost. I offrirai en vente publique sur les lieux le samedi 27 Mai, 1854, immèdiatement apris la Vente des biens dependant de la succession de Dame Victoire Castelain. Veuve F. M. Prevost, les propriétés suivantes appartenant à la succession Jean Louis Prevost. Savoir.

1o. Une terre ou habitation sise dans la paroisse Ascension rive guache du Mississippi en faie de Donaldsonville ayant sept arpents de faue au dit fleuve sur quarante de profondeur, bornée en haut pur une terre dependant de la succession de Dame Victoire Castelain Veuve D. M. Prevost, et en bas par les terres de Madame Veuve M. D. Bringier ensemble les batisses et antres améliorations qui so trouvent dessus. Ensemble aussi avec une portion de terre situié derriére et attenant à celle qui est promièrement décrite, étant une portion de la section 65, Township 10, Range 2 Est qui se trouve comprise entre les lignes latérales prolongees de la terre promièrement décrite. 2o. Les Esclaves suivants, savoir; Bill agé de 56 ans; Daniel de 56 ans; Lyas de 52 ans; Isaac de 75 ans maronneur; Silas de 49 ans tonnetiér charpentier sucrier; Andrew, de 49 ans, Lucien, de 23 ans, Jack, de 20 ans, Jules, de 20 ans, Pompey, de 17 ans, Mars, de 16 ans, Melite, de 51 ans, et ses enfants Arséne de 8 ans, Phelotene de 6 ans, et Alcide de 3 ans, Aimee, de 22 ans, et ses enfants Mary de 4 ans, et un plus jeune enfant, Aoutelle, de 23 ans, et ses enfants Henriette de 5 ans, et un jeune enfant, Celeste, de 46 ans, Euphrine de 28 ans, Nonte, de 18 ans (malahive), Augustine, de 19 ans, Pdileméne, de 16 ans, Estelle, de 14 ans, Dumas, de 61 ans, Juliette, de 37 ans, Bonbon, de 18 ans, Louise ou maratite, de 35 ans, Coutieriéré, blanchisseus repasseuse et ses enfants Coon 10, et Julien 4 ans, Calice, de 13 ans, Mary cuisinieré de 33 ans, et ses enfants Angelina ou Pouce, de 11 ans, Lucile ou manon, de 10 ans, Caroline, de 8 ans, et un petit enfant, William, de 37 ans, forgeron.

3o. Diverses propriétés mobiliéres tels que des outils aratoirs; 2 mulets, une paire de bœufs de tire et plusieurs cheveaux et betes a cornes.

(*Termes et Conditions.*)

Les effets mobiliérs comptant; la terre et les esclaves, un dixiéme comptant, et la balance un tiers en tout Mars, 1855, un tiers en tont Mars, 1856, et un tiers en tout Mars, 1857. Les acquéreurs devront fournir des billets payables à leur propre ordre et par eux endossés avec caution solidaire à la satisfaction du vendeur portant interet á huit pour cent. l'an aprés échéance le tout garanté par hypothéque special avec privilége du vendeur sur la propriété vendue.

Ascension, 22 Avril, 1854.

J. L. COMSTOCK,
Sheriff.

(*Petition for Inventory.*)

Filed 30 March, 1850.

(Signed) L. D. NICHOLLS,
Clerk.

(*Succession of F. M. Prevost.*)

To the Honorable the Fourth Judicial District Court, in and for the Parish of Ascension.

The Petition of Victoire Castelain widow of Francois Marie Prevost of the parish of Ascension, Respectfully represents:

That she intermarried with the said deceased on the 29th day of May, 1838. That her said husband departed this life in the parish of Ascension, on the 18th May, 1848. That there were never any children born of the said marriage. That the deceased left behind him considerable property in real estste slaves and moveables situated in the parish of Ascension, part of which was brought in marriage by him, and part of which belongs to the community of acquests and gains that existed between petitioner and the deceased. That the deceased left no heirs lineal nor so far as she knows any collateral whether in or out of the State of Louisiana, and that in the premises the whole of the estate of the deceased would devolve upon the petitioner. That as a conservatory measure both with reference to her rights as surviving partner of the said community and as heir by irregular succession in default ef collateral kindred, this petitioner desires that an inventory and estimation of the said property and effects be made under the supervision of this Honorable Court, and that an attorney be appointed to defend the interests of the absent heirs of the deceased, if any should be, and for all and general relief,

(Signed) CHARLES ANDREW JOHNSON,
Att'y.

(*Order for Inventory and Appointment of Att'y for Absent Heirs.*)

On reading the within petition, it is ordered that a public inventory with appraisement be made by Henry L. Duffel, Esq., a duly qualified Notary Public, in and for this Parish, of all the property found within said Parish belonging either to the succession of Francois Marie Prevost late of the said Parish, deceased, or to the community of acquest and gains which existed between said F. M. Prevost, late of said Parish, deceased, and his surviving wife, Mrs. Victoire Castelain. John H. Ilsley, Esq., of said Parish, be and he is hereby appointed Attorney of absent heirs of said F. M. Prevost, and let said J. H. Ilsley be duly notified to attend the taking of said invenory.

Ascension, 30th March, 1850.

(Signed) L. D. NICHOLLS,
Clerk.

(*Copy of Inventory.*)

Filed 10th April, 1851.
(Signed) L. D. NICHOLLS,
Clerk.

UNITED STATES OF AMERICA,
State of Louisiana, Parish of Ascension.

Be it known and remembered that on this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-one, by virtue of a decree of the honorable the Fourth Judicial District Court of the State and Parish aforesaid, dated
and to me directed. I Henry L. Duffel, a Notary Public, duly commissioned and sworn, in and for this Parish, proceeded to the late residence of Francois Marie Prevost in this Parish in order to take an inventory of all the property situated in this Parish, belonging to the succession of said deceased and to the community of acquests and gains which existed between him and his surviving wife, Ann Marie Victoire Castelain. The said inventory with appraisement was made in presence of 1o, Said widow Francois Marie Prevost, herein acting in her own right as partner in community aforesaid, and as presumptive heir of irregular succession of her said deceased husband. 2o, William C, Lawes, herein acting by virtue of a special power of Attorney, which is hereto annexed for reference, representing John H. Ilsley, Attorney of absent heirs. 3o, Messrs. John Thibaut and Norbert Braud, experts duly appointed by the Court, and by me Notary, sworn according to law, to appraise to the best of their knowledge the property to be exhibited to them, belonging to said succession and community, free holders residing in this Parish, and 4o, Messrs. Francois Boze and Arsene Bourgeois, witnesses of full age residing in this Parish.

(*Description of the Community Property.*)

1o. A tract of land situated in this Parish on the left bank of the Mississippi River opposite Donaldsonville, having a front of one arpent on said River, with a depth of forty arpents or more, bounded above by lands of Norbert Braud, and below by lands belonging to the succession of the deceased, appraised at seventeen hundred and fifty dollars. $1,750

2o. A brick sugar house with steam engine, sugar mill, &c., appraised four thousand dollars, 4,000

3o. A negro man named Borie, aged about 26 years, appraised nine hundred dollars, 900

4o. A negro named Ciceron, aged about 26 years, appraised nine hundred dollars, 900

5o. A negro named Henry, aged about 26 years, appraised nine hundred dollars, 900

6o. A negro named Frank, aged about 20 years, appraised nine hundred dollars, 900

7o. A negro named Harrison, aged about 20 years, appraised seven hundred dollars, 700

(*Property belonging to the Succession.*)

8o. A tract of land situated in this Parish, left bank of the Mississippi River, opposite Donaldsonville, having a front of seven arpents on said River, with a depth of forty arpents or more, bounded above by the land herein before described and belonging to the community, and below by land of widow D. Bringier, together with all the buildings and improvements, such as dwelling house, negro cabins, and other out houses, appraised at twelve thousand two hundred and fifty dollars, $12,250

9o. A negro named William, aged about 35 years, appraised at one thousand dollars, 1,000

10o. Negro man Duk, aged about 35 years, appraised at one hundred dollars, 100

11o. Negro Bill, aged about 50 years, appraised at five hundred dollars, 500

12o. Negro Daniel, aged about 50 years, appraised at five hundred dollars, 500

13o. Lyas, negro, aged about 48 years, appraised four hundred dollars, 400

14o. Isaac, negro, aged about 65 years, appraised at two hundred dollars, 200

15o. Andrew, negro, aged about 30 years, appraised at three hundred dollars, 300

16o. Silas, negro, aged about 45 years, appraised at one thousand dollars, 1,000

17o. Lucien, negro, aged about 20 years, appraised at six hundred dollars, 600

18o. Negro boy, Jack, aged about 17 years, appraised at six hundred dollars, 600

19o. Negro boy, Jules, aged about 16 years, appraised at five hundred dollars, 500

20o. Negro boy, Pompey, aged about 14 years, appraised at five hundred dollars, 500

21o. Negro boy, Mars, aged about 13 years, appraised at four hundred dollars, 400

22o. Negro Monorlin, aged about 23 years, appraised at one thousand dollars, 1,000

23o. Woman Melite, aged 50 years, with her children, Philotene, aged 3 years, and Tom, aged 20 months, appraised at eight hundred and fifty dollars, 850

24o. Woman Amee, aged about 19 years, with her child, Marie, aged 18 months, appraised at six hundred and fifty dollars, 650

25o. Amellette, aged about 20 years and her child, Henriette, aged 3 years, appraised at five hundred dollars, 500

26o. Woman Celeste, aged 20 years, appraised at five hundred dollars, 500

27o. Woman named Josephine, aged about 25 years, appraised at three hundred dollars, 300

28o. Woman Vinonte, aged 15 year, appraised at three hundred dollars, 300

29o. Woman Augustine, aged about 16 years, appraised at three hundred and fifty dollars, 350

30o. Negro girl, Ponee, aged about 13 years, appraised at two hundred dollars, 200

31o. Negro girl, Estelle, aged 15 years, appraised at two hundred dollars, 200

32o. Negro girl, Minette, aged about 15 years, appraised at two hundred dollars, 200

33o. Girl, Mistress a child of the woman, Melite aged about 5 years, appraised at one hundred and fifty dollars, 150 00

34o. Mulatto man named Dumas, aged about 64 years, appraised at one hundred dollars, 100 00

35o. Negro woman Juliette, aged about 34 years, with her children Victoire, Amelia, alias Bonbon, aged 14 years, and Joseph aged about 10 years, appraised at nineteen hundred dollars, 1,900 00

36o. Mulatto woman Louise, aged about 30 years, with her children Celeste, mulatto boy, aged 9 years; Antoinettee, mulatto girl, aged 7 years, and Julien, mulatto boy, aged 2 years, appraised at one thousand dollars, 1,000 00

The above eight last named and described slaves, widow Prevost intends to emancipate, at the request of her deceased husband, as soon as she can legally do so.

37o. Orphan girl named Philomene, aged 13 years, appraised at five hundred dollars, 500 00

(*Moveable Property.*)

38o. Steers, &c., appraised at sixty dollars, 60 00

39o. The horses and mules, appraised six hundred dollars, 600 00

40o. Cows and calves, appraised fifty dollars, 50 00

41. The carts, appraised at fifty dollars, 50 00

42. A pair of timber wheels, appraised one hundred dollars, 100 00

43. Implements and husbandry, such as ploughs, harrows, hoes, &c., appraised at one hundred dollars, 100 00

44. Standing crop, appraised five hundred and sixty dollars, 560 00

45. Household furniture and silver ware, appraised one hundred and eighteen $\frac{50}{100}$ dollars, 118 50

Total amount of Inventory is thirty-nine thousand two hundred and thirty-eight $\frac{50}{100}$ dollars, $39,238 50

(*Recapitulation.*)

Lands and buildings, appraised	18,000 00
Slaves, appraised at	19,600 00
Moveable property, appraised at	1,638 50
	$39,238 50

Having nothing more to inventory, I have closed this process-verbal in presence of said widow, Attorney in fact, exports and witnesses who have signed these presents with me, Notary, after due reading thereof.

46. Negro woman Mary, aged 30 years, and her two children, Antoine, aged 10 months, and Caroline, aged 4 years, appraised at eight hundred dollars. Thus making the total of the inventory to be forty thousand and thirty-eight dollars and fifty cents.

(Signed) V'RE PREVOST,
WILLIAM C. LAWES,
S. N. BRAND,
JOHN THIBAUT,
F. BOZE,
A. BOURGEOIS,

(Signed) HENRY L. DUFFEL,
Not. Public.

I certify the above and foregoing a true and correct copy of the original extract in my office. In faith whereof, I hereunto affix my signature and seal of office.

[L. S.] (Signed) HENRY L. DUFFEL,
Notary Public.

Parish of Ascension, this 25th day of March, A. D. 1851.

(*Petition for Homologation of Inventory.*)

Filed 10th April, 1851.]

(Signed) L. D. NICHOLLS,
Clerk.

To the Honorable the Fourth Judicial District Court in and for the Parish of Ascension.

The petition of Victoire Castelain, widow Francis Marie Prevost, deceased, of said parish, Respectfully shows,

That she files herewith a duly certified copy of the public inventory of the property and effects of the community late subsisting between petitioner and her said husband and of the individual property left by deceased made under orders from the Court, by Henry L. Duffel, Notary Public in presence of the attorney of absent heirs herein appointed. That said inventory is full and faithful to the best of petitioner's knowledge and should be homologated and confirmed for which and for all and for general relief, she humbly prays—

(Signed) CHARLES ANDREW JOHNSON,
Att'y of Pet'r.

(*Order Homologating Inventory.*)

Let the inventory within referred to be and the same is hereby approved and homologated.

Ascension, 10th April, 1851.

(Signed) L. D. NICHOLLS,
Clerk.

(*Petition of Widow to to be put in Possession of the Estate.*)

4TH JUDICIAL DISTRICT COURT, Parish of Ascension.

In the matter of the succession of Francois Marie Prevost.

The petition of Victoire Castelain, widow and surviving partner in community of said Prevost, residing in the parish of Ascension, Respectfully represents,

That said Prevost departed this life on the 18th of May, 1848. That on the 24th March, 1851, an inventory was taken, pursuant to an order herein rendered, of the property and effects of the community aforesaid as well as of the private property composing the succession of said Prevost in presence of an attorney the represent the interests of the absent heirs of the deceased, if any such there might be and that the said community property was appraised at the sum of ten thousand dollars and the private property at the sum of thirty thousand and thirty-eight dollars and fifty cents.

It further appears that said Prevost has been dead for more than three and a half years, and that no heirs of his body existed at his death, nor have any collateral heirs present or absent made themselves known, nor are any known to exist. That in the premises your petitioner is by law the universal heir of said Prevost.

She further shows: That she is desirous of fulfilling the formalities prescribed by law in the premises to the end of being invested with

the possession and ownership of the property and effects belonging to said succession.

That the one undivided half of the community property belongs to your petitioner as surviving partner of said community and that in case heirs presented themselves, your petitioner would be entitled to the usufruct of the other undivided half thereof. That the said succession of the deceased husband is likewise indebted to the community; the said community having paid heavy debts contracted by said Prevost previous to and existing at the time of the marriage of petitioner with the deceased which rights are extinguished by confusion in case no heirs of the said Prevost present themselves, and which consequently she does not think it incumbent on her to liquidate, but which she specially reserves to be exercised whenever the same may become necessary.

That in the premises petitioner is entitled in giving bond and security according to law, to be placed in possession of the said estate, which right she hereby claims.

Wherefore she prays that her bond with Michel D. Gaudet of the Parish of Ascension be accepted, and that it be decreed that she enter into possession of the property and effects, composing the succession of the said Prevost, detailed in the Inventory of the same of record herein. And for all and general relief.

(Signed) CHARLES ANDREW JOHNSON,
Att'y for Pet'r.

(*Order Putting Widow in Possession.*)

On reading the within petition, it appearing that the petitioner has complied with the formalities of the law in the premises made and provided. It is hereby ordered and decreed that the annexed bond of the petitioner with Michel D. Gaudet, as security, be and the same is hereby accepted, and that the petitioner be, and she is hereby authorized to enter into possession of the property and effects of Francois Marie Prevost, detailed in the Inventory thereof herein taken and of record herein.

(Signed) ALBERT DUFFEL,
Judge 4 Jud. Dist.

Parish of Ascension, 31st December, 1851.

(*Bond of Widow.*)

Filed 31st December, 1851.
(Signed) L. D. NICHOLLS,
Clerk.

Know all men by these presents, that we, Ann Victoire Castelain, widow Francois Marie Prevost, of the Parish of Ascension, as principal, and Michel D. Gaudet of the same Parish, as security, do hereby bind ourselves into the Judge of the Fourth Judicial District Court,

in and for the State of Louisiana and Parish of Ascension, or his succession in office, in the full sum of thirty-five thousand and thirty-eight dollars and fifty cents lawful money of the United States, to the payment of which we do hereby bind ourselves, our heirs, administrators and assigns. Given under our hands this 27th day of December, 1851.

The condition of the above bond is such that, whereas, by order of the Court aforesaid, the said widow Prevost has this day been sent into possession of the property and effects of the succession of said Prevost detailed and appraised in the Inventory thereof made, as an order of the Court aforesaid, and of record in the Clerk's office thereof.

Now then should any heir or heirs of the said Prevost present themselves, and be recognized as such within three years from this date, and should the said widow Prevost restore the property and effects above mentioned to the said heir or heirs, then this bond to be null and void and of no effect, otherwise to remain in full force and virtue.

(Signed) V'RE F. M. PREVOST,
" MICHEL D. GAUDET,
Attest, (Signed CHARLES ANDREW JOHNSON,
" G. LAROQUE TURGEAU.

(*Petition for Appointment of Attorney of Absent Heirs.*)

Filed 22 December, 1853.
(Signed) L. D. NICHOLLS,
Clerk.

To the Honorable District Court, in and for the Parish of Ascension, State of Louisiana.

The petition of John H. Ilsley of said Parish, Respectfully Represents:

That your petitioner was named attorney of the absent heirs of Francois Marie Prevost in a certain matter in which Ann Victoire Castelain his widow claimed to be recognized as his irregular heir and to be put in possession of his estate. That your petitioner has been engaged as counsel by the brother of the deceased to claim for him as the sole legal heir the whole of the estate of Francois Marie Prevost.

Wherefore petitioner prays hereby to tender his resignation as attorney of absent heirs, and prays that one be appointed in his stead, and for general relief,

(Signed) JOHN H. ILSLEY,

(*Order naming Maurin Attorney of Absent Heirs.*)

Let the within requisition of John H. Ilsley, Esq., attorney of absent heirs of Francois Marie Prevost be and the same is hereby ac-

cepted, and let Edward Maurin, Esq., be and he is hereby appointed attorney of absent heirs of said Francois Marie Prevost, deceased, in the stead of said Ilsley resigned.

Ascension, 22 December, 1853.

(Signed) L. D. NICHOLLS,
Clerk.

(*Opponent's Bill of Exceptions.*)

Filed 2 December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

Succession of widow F. M. Prevost, opposition of Louis Prevost to Adm'rs account.

DIST. COURT, Ascension.

Be it known that this case being on trial, plaintiff or the administrator offered parol evidence of H. Miller, et al., to prove the value of certain property represented as community property, consisting of sugar house, &c., to the admission of which so far as it showed a value thereto exceeding that fixed by the inventory provoked by Mrs. Prevost and signed by her on the 24th March, 1851, by which the defendant or opponent contends she is bound and is estopped from contradicting, and the Court having permitted the testimony to be reserved, the opponent Louis Prevost excepts to the opinion of the Court, and tenders his bill of exceptions which is signed that the whole may appear of record, this 1st December, 1854.

(Signed) ALBERT DUFFEL,
Judge 4th Jud'l Dist.

(*Letters of Curatorship.*)

Vacant succession of Mrs. Ann Victoire Castelain, widow F. M. Prevost.

(*Letters of Curatorship.*)

FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF LOUISIANA, in and for the parish of Ascension.

This shall certify to all whom it may concern, that by a decree of the Hon. the above entitled Court rendered on this day, Michel D. Gaudet of the parish of Ascension was duly appointed Curator of the vacant succession of Mrs. Anne Victoire Castelain widow of Francois Marie Prevost.

Now know ye that the said Michel D. Gaudet has this day taken the oath and furnished the security in such case required by law and is now duly qualified to act in his aforesaid capacity.

Witness the Honorable Albert Duffel, Judge of our said Court, Ascension, this nineteenth March, eighteen hundred and fifty-three.

(Signed) L. D. NICHOLLS,
Clerk.

(*Judgment.*)

The within opposition was taken up for trial, according to assignment upon all matters involved in the same except so far as to the State Tax already adjudicated upon, and the law and evidence being in favor of the accountant and Curator.

It is hereby ordered, adjudged and decreed, that the said opposition be and it is hereby dismissed, and the said tableau homologated and approved, except so far as concerns the question of the tax already decided, and the tableau having been amended with respect to the said tax. It is ordered that the costs of the entire opposition be paid by the succession.

(Signed) ALBERT DUFFEL,
Judge 4 *Jud. Dist.*

Parish of Ascension, - December, 1854.

(*Appeal Bond.*)

Filed and accepted 15 December, 1854.

(Signed) L. D. NICHOLLS,
Clerk.

The State of Louisiana, Fourth Judicial District Court, in and for the Parish of Ascension.

In the matter of the succession of widow F. M. Prevost. Opposition of Jean Louis Prevost to Curator's account.

Know all men by these presents, that we the undersigned, Jean Louis Prevost of the Empire of France, as principal, and Pierre Bourgeois, Jules Jarry and John H. Ilsley, of the Parish of Ascension, as his securities, are held and firmly bound unto Michel D. Gaudet, of the Parish of St. James, in his capacity of Curator of the estate of widow Francois Marie Prevost, in the full sum of ten thousand dollars, for the faithful payment whereof, we bind ourselves, our heirs and assigns, jointly, severally and in solido firmly by these presents.—Dated and signed at the Parish of Ascension, this fifteenth December, eighteen hundred and fifty-four.

The condition of the above obligation is such that whereas, the above bounden principal obligor has sued out a suspensive appeal from a judgment rendered on the 2nd instant, in the matter above recited to the Supreme Ceurt of the State of Louisiana.

Now therefore, should the said principal obligor prosecute his appeal and satisfy whatever judgment may be rendered against him, or should the same be satisfied by the proceeds of the sale of his estate,

real or personal, if he be cast in his appeal or by his said securities, then this obligation to be null and void, else to remain in full force and virtue.

In testimony whereof, we have hereunto set our hands, at the Parish of Ascension, on the day, month and year first above written.

(Sgned) P. ROUGEAU,
J. JARRY,
JOHN H. ILSLEY,

Attest, (Signed) L. D. NICHOLLS,
Clerk.

(*Certificate of the Clerk of the 4 Judicial District Court*)

Fourth Judicial District Court of the State of Louisiana, in and for the Parish of Ascension.

I, Lawrence D. Nicholls, Clerk of the above entitled Court, duly commissioned and qualified, do hereby certify the foregoing one hundred and nineteen pages to be a true and collated transcript of all the proceedings had, evidence adduced and documents on file in my office, in the matter of the opposition of Jean Louis Prevost, to the account of the succession of Mrs. Victoire Castelain, widow Francois Marie Prevost, rendered by Michel D. Gaudet, Curator thereof.

In faith whereof witness my hand and official seel and signature. Ascension this 15th January, A. D. 1855.

[L. S]. (Signed) L. D. NICHOLLS,
Clerk.

(*Proceeding in the Supreme Court.*)

THE SUPREME COURT OF THE STATE OF LOUISIANA.

The Court met Monday, 14th May, 1855.

Present, Their Honors, Thomas Slidell, Chief Justice Cornelius Voories, A. M. Buchanan, A. N. Ogden, and H. M. Spofford, Associate Justices.

No. 3870.
SUCCESSION OF F. M. PREVOST.
THE STATE, Appellant,
LOUIS PREVOST, Appelle.
} Appeal from Fourth Judicial District Court of Parish of Ascension.

In this case the Court this day delivered their opinion in writing in the words and figures following:

Jean Louis Prevost, a subject and resident of France, having been recognized as heir of his brother F. M. Prevost, an inhabitants of Louisiana, the Curator of the succession of widow F. M. Prevost, has rendered him an accouut of the estate of F. M. Prevost, which his

widow possessed up to her death. To that accoun Jean Louis Prevost has filed various grounds of opposition.

First, he objects to an item of $3,192 80, charged as a State tax of 10 per cent. on successions of this State, falling to foreigners. The opponent contends that French citizens are exempted from this tax, by the effect of the Consular Convention between the United States of America and the Emperor of the French, concluded the 23d February 1853, ratified by the United States the 1st April, 1853, exchanged the 11th August, 1853, and proclaimed by the President of the United States the 12th August, 1853; the 7th article of which treaty is in these words: "In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed."

We have decided in the case of Dufour's successian, ante p. ——— that this treaty, so far as it is inconsistent with our State law of 1742, imposing a tax of ten per cent. upon successions devolving upon persons resident out of the United States, must be considered, under the provisions of the second paragraph, of the sixth article of the Constitution of the United States, as paramount to and superceding the said State law. See upon this subject the case of Mager's succesion 12 Rob. 588.

The present case differs from that of Dufour in the essential particular that Prevost died many years before the conclusion of the consular convention with France; and the right of the State of Louisiana to this tax consequently attached, at a period when French citizens did not enjoy an exemption from the operation of the act of 1842. By the fiction of law, *le mort saisit le vif*, the rights and obligations of the opponent Jean Louis Prevost, as heir of Francois Marie Prevost, relate back to the death of the latter, which took place on the 18th May, 1848, C, C, 934, 935. 3d. L'a Rep. 336· Ibid 561. 6 Rob. 504. 9 Rob. 537. Blanchard's succession, decided at the December term, 1854.

The language of the Supreme Court in the case of Mager, 12 Rob., 588, referred to by the District Judge contains nothing inconsistent with this view of the law.

There are two other grounds of opposition which have been argued before us. One concerning the valuation and improvement put upon the separate estate of F. M. Prevost during the existence of the marriage community; and the other a charge for stock put upon said property by the widow Prevost, after her husband's death. The decision

of the District Judge upon these points seems conformable to the facts and the law.

It is therefore ordered, adjudged and decreed that the judgment of the Court below be reversed so far as concerns the charge made in the Curator s account of ($3192 80) three thousand one hundred and ninety-two 80–100 dollars for the state tax of ten per cent. upon the amount of the estate of F. M. Prevost inherited by J. L. Prevost which charge is hereby sustained; that in other respects the said judgment be affirmed; that the account of Curatorship of the succession of Victoire Castelain widow of Francois Marie Prevost filed by Michel D. Gaudet, Curator, on the 14th June, 1854, be approved and homologated, and that Jean Louis Prevost, the opponent, pay costs of the opposition in both Courts.

(*Petition for a Writ of Error.*)

Filed, Supreme Court, June 1st, 1855.

(Signed) J. McCULLOCH,
D'y Clerk.

Succession of the widow of F. M. Prevost.

JEAN LOUIS PREVOST, Opponent and Appellee,
vs.
CH. E. GRANEAUX, Treasurer of the State of Louisiana, Appl't.

TO THE HONORABLE THOMAS SLIDELL, Chief Justice of the Supreme Court of Louisiana.

The petition of Jean Louis Prevost who resides in France and is a subject of the Emperor of the French, Respectfully shows,

That in the Supreme Court of the State of Louisiana, which is the highest Court of law or equity in said State, in a suit in the matter of the succession of the widow of F. M. Prevost, wherein the petitioner, Jean Louis Prevost was opponent and appellee, and Charles E. Grenaux, Treasurer of the State of Louisiana was defendant and appellant, the validity of a statute of the State of Louisiana in its application to petitioner, was drawn in question on the ground of its being repugnant to the treaty or convention passed between the United States and the Emperor of the French in the year 1853, and a decision was rendered by the Supreme Court of Louisiana, which became final on the 22d ultimo, in favor of the validity of said statute, and against the right set up by petitioner under said treaty; and that petitioner is advised there is error in said decision.

Wherefore, petitioner prays for a writ of Error to the Supreme Court of the United States, returnable according to law, and that on filing bond in the sum of five thousand dollars, with sufficient securi

ties conditioned as the law requires, said writ of error may operate as a supersidius, and may stay execution herein.

(Signed) SIDNEY L. JOHNSON,
Att'y for Pet'r.

Let a writ of error issue as prayed for.

(Signed) THOMAS SLIDELL,
Chief Justice of the Supreme Court of Louisiana.

(*Writ of Error.*)

Filed June 1st, 1855.
(Signed) F. McCULLOCH,
D'y Clerk.

UNITED STATES OF AMERICA, SS:

The President of the United States,

To the Honorable the Judges of the Supreme Court of the State of Louisiana. Greeting:

Because, in the record and proceedings, as also in the vendition of the Judgment of a plea which is in the said Supreme Court of the State of Louisiana, sitting in the city of New Orleans before you, or some of you, being the highest Court of Law or Equity of the said State, in which a decision could be had in the said suit, between Jean Louis Prevost, appellee, and Charles E. Greneaux, Treasurer of the State of Louisiana, appellant, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under said State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and the decision was in favor of such their validity; or wherein was drawn in question the construction of a clause of the Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision was against the title, right, privilege or exemption, specially set up or claimed under such clause of the said constitution, treaty, statute or commission, a manifest error hath happened, to the great damage of the said Jean Louis Prevost, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy Justice done to the parties aforesaid in this behalf do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid, being inspected, the said Supreme Court may cause further to be done therein, to correct the error, what

of right, and according to the laws and custom of the United States, should be done.

Witness, the Honorable Roger B. Taney, Chief Justice of the said Supreme Court, the first day of June, in the year of our Lord one thousand eight hundred and fifty-five.

[L. S.] (Signed) F. McCULLOCH,
D'y Clerk of the Supreme Court of the State of Louisiana.

(*Bond for Writ of Error.*)

Filed June 1st, 1855.
(Signed) F. McCULLOCH,
D'y Clerk.

Know all men by these presents that we, Jean Louis Prevost, plaintiff in error as principal, and John H. Ilsley and L. D Nicholls of the parish of Ascension State of Louisiana, as sureties are held and firmly bound unto Charles E. Greneaux, Treasurer of the State of Louisiana, defendant in error, in the full and just sum of five thousand dollars to be paid to the said Charles E. Grenaux, Treasurer of the State of Louisiana, his certain attorney, executors, administrators or assigns, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators jointly and severally, by these presents. Sealed with our seals, and dated this 1st day of June, in the year of our Lord one thousand eight hundred and fifty-five. Whereas lately in the Supreme Court of the State of Louisiana in a suit depending in said Supreme Court in the matter of the succession of the widow of F. M. Prevost wherein Jean Louis Prevost was opponent and appellee, and the said Charles E. Greneaux, Treasurer of the State of Louisiana, was defendant and appellant, judgment was rendered against the said Jean Louis Prevost, and the said Jean Louis Prevost having obtained a writ of error, and filed a copy thereof in the Clerk's Office of the said Supreme Court of Louisiana to reverse the judgment on the aforesaid suit, and a citation directed to the said Charles E. Greneaux, Treasurer of the State of Louisiana, to be and appear at a Supreme Court of the United States to be holden at Washington the Monday of December next.

Now the condition of the above obligation is such, that if the said Jean Louis Prevost shall prosecute said writ to effect, and answer all damages and costs if he fail to make his plea good then the above obligation to be void else to remain in full force and virtue.

[L. S.] (Signed) JEAN LOUIS PREVOST,
[L. S.] " by his att'y S. L. JOHNSON,
[L. S.] " JOHN H. ILSLEY,
[L. S.] " L. D. NICHOLLS,

Bond approved.

(Signed) THOMAS SLIDELL,
Chief Justice of Louisiana.

UNITED STATES OF AMERICA.
Supreme Court of the State of Louisiana, E. D.

I Eugene Lasere, Clerk of the Supreme Court of the State of Louisiana for the Eastern District, do hereby certify that the foregoing one hundred and twenty six pages contain a true and faithful translation of all the documents in foreign language contained in this transcript, of the proceedings had in the Fourth Judicial District Court of the parish of Ascension, in a certain suit entitled "Succession of F.M. Prevost, Jean Louis Prevost opp't and app'ee *vs.* C. E. Greneaux, Treasurer of the State of Louisiana, app't," and also of the proceedings had in this Supreme Court on the appeal taken by said Charles E. Trudeau, Treasurer of the State of Louisiana, which appeal is now on the files thereof under No. 3870; said documents in foreign languages have been translated, as marked in the margin and crossed in red ink.

In testimony whereof I have hereunto set my hand and affixed the seal of the said Court, at the city of New Orleans, this eighth day of November, in the year of our Lord 1855, and in the 80th year of the Independence of the United States of America.

EUGENE LASERE,
Clerk.

UNITED STATES OF AMERICA,
Supreme Court of the State of Louisiana.

I E. T. Merrick, Chief Justice of the Supreme Court of the State of Louisiana do hereby certify that Eugene Lasere is Clerk of the Supreme Court for the Eastern District, that the signature of Eugene Lasere to the within certificate, is in the proper hand writing of him the said Clerk, that the certificate is in due form of law, and that full faith and credit are due to all of his official acts as such.

In testimony whereof I have hereunto set my hand and seal this 8th day of November, A. D. 1855.

EDWIN T. MERRICK.

THE UNITED STATES OF AMERICA.

To Charles E. Greneaux, Treasurer of the State of Louisiana. Greeting.

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next, pursuant to a writ of error, filed in the clerk's office of the Supreme Court of the State of Louisiana, sitting in New Orleans, wherein Jean Louis Prevost is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.